



# Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Twelfth Day

Thursday Afternoon

February 11, 2021

The invocation was offered by Matt Barnes of the Public Servant's Prayer.

The House convened at 2:30 p.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Pack.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King
Austin	Klinker
Aylesworth	Lauer
Baird	Ledbetter
Barrett	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning	Lucas
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell	Mayfield
Carbaugh	McNamara
Cherry	Miller
Clere	Moed
Cook	Morris
Davis	Morrison
Davisson	Moseley
DeVon	Negele
DeLaney	Nisly
Dvorak □	Olthoff
Eberhart	Pack
Ellington	Payne
Engleman	Pfaff
Errington	Pierce
Fleming	Porter
Frye	Prescott
GiaQuinta	Pressel
Goodrich	Pryor
Gore	Rowray
Gutwein	Saunders □
Hamilton	Schaibley
Harris	Shackleford
Hatcher □	Slager
Hatfield	Smaltz
Heaton	Smith, V.
Heine	Snow
Hostettler	Soliday
Jackson	Speedy
Jacob	Steuerwald
Jeter	Sullivan
Johnson	Summers
Jordan	Teshka
Judy	Thompson

Torr  
VanNatter  
Vermilion  
Wesco

J. Young  
Zent  
Ziemke □  
Mr. Speaker

Roll Call 104: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: □ indicates those who were excused.]

## HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 15, 2021, at 2:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 4

The Speaker handed down Senate Concurrent Resolution 4, sponsored by Representative Lyness:

A CONCURRENT RESOLUTION memorializing Marc Brunner.

*Whereas, Marc W. Brunner passed away on September 30, 2019;*

*Whereas, Marc was born on July 9, 1955, in Batesville, Indiana, to Arthur and Maxine Brunner;*

*Whereas, Marc was a permit inspector for the Indiana Department of Transportation, where he faithfully served for over three decades and was well respected by his peers;*

*Whereas, Marc lived with a servant's heart, good old-fashioned Hoosier values, and a commitment to helping friends and strangers alike, whether by assisting stranded motorists along the highway or by ensuring state roads remained safe and hazard-free;*

*Whereas, Alongside his community involvement, Marc was a small business owner and an avid traveler. He cherished any trip to the beach, where he and his wife searched for and collected over 4,000 shark teeth; and*

*Whereas, Marc will be remembered for the love and devotion he had for his wife, Debra, his daughter, Jena, and the compassion and joy he brought to those around him: Therefore,*

*Be it resolved by the Senate  
of the General Assembly of the State of Indiana,  
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly memorializes Marc W. Brunner.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the family of Marc Brunner.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

**Senate Concurrent Resolution 5**

The Speaker handed down Senate Concurrent Resolution 5, sponsored by Representative Pfaff:

A CONCURRENT RESOLUTION memorializing John Schoffstall.

*Whereas, Firefighter John Andrew Schoffstall passed away on April 12, 2020;*

*Whereas, John was born on November 21, 1978, in Terre Haute, Indiana, to Rex Schoffstall and Patricia "Trish" Allsup Schoffstall;*

*Whereas, John served as a firefighter for more than two decades, including 23 years at the New Goshen Volunteer Fire Department as a Training Officer, Captain, and Fire Chief, and 11 years for the Terre Haute Fire Department, C Shift Station 5;*

*Whereas, John participated in a number of firefighter organizations including the International Association of Firefighters Local #758, the Indiana Association of Firefighters, and as a founding member and drummer for the Terre Haute Firefighters Pipes and Drums Band;*

*Whereas, Throughout his life, John was a dedicated member of the Terre Haute community as a small business owner, volunteer coach for softball and West Vigo Youth Football, sportsman, National Rifle Association member, and Archery Trade Association member;*

*Whereas, While continuing to serve as a first responder during Indiana's statewide stay-at-home order through the Coronavirus pandemic, John was exposed to the virus and eventually paid the ultimate sacrifice; and*

*Whereas, John will be remembered for the love and devotion he had for his wife Jennifer, his son Jake, his daughter Jaidyn, his adopted daughter Janelle, the laughter and humor he would bring to every occasion, and his lifelong commitment to the City of Terre Haute: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly memorializes John Schoffstall.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to the family of John Schoffstall and the Terre Haute Fire Department Station 5.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

**House Resolution 9**

Representative Karickhoff introduced House Resolution 9:

A HOUSE RESOLUTION recognizing Jessica Shannon as the first Eagle Scout of Howard County.

*Whereas, Jessica Shannon was a part of the first group of females in 2019 to join the Boy Scouts of America in Howard County as part of Troop 628 in Greentown;*

*Whereas, Jessica Shannon is part of the first group to ever attain the rank of Eagle Scout to come from Howard County;*

*Whereas, Jessica Shannon and her troopmates set record time in obtaining the required merits in pursuit of the rank of Eagle;*

*Whereas, For her final Eagle Scout project, Jessica and Troop 628 hand built a concession stand for the Eastern High*

*School soccer team, which combined Jessica's love of soccer and scouting;*

*Whereas, The skills and lessons learned in attaining the rank of Eagle Scout provide development in leadership, character, citizenship, and physical fitness;*

*Whereas, The Boy Scouts of America provides diverse programs such as social activities, business networking, mentoring, recognition, event, and community service opportunities to enhance exploration, survival skills, and community involvement;*

*Whereas, The National Eagle Scout Association has provided an outlet for alumni to network, collaborate, and stay in touch to make a positive impact on their communities; and*

*Whereas, The National Eagle Scout Association has initiated more than 50 million Americans since February 8, 1910: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates and recognizes Jessica Shannon for her extraordinary accomplishment and wishes her continued future success.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Michael Karickhoff for distribution.

The resolution was read a first time and adopted by voice vote.

**House Resolution 10**

Representative Aylesworth introduced House Resolution 10:

A HOUSE RESOLUTION recognizing Jacki Stutzman's contributions to her community in Porter County.

*Whereas, Jacki Stutzman is a resident of Porter County who is heavily involved in her community;*

*Whereas, Stutzman generously donated \$1 million to support the new, state of the art Porter County Animal Shelter, where she has been a volunteer for more than seven years;*

*Whereas, Stutzman is involved in many other nonprofit and volunteer programs throughout Porter County, serving on the boards of the Valparaiso YMCA, Porter County Community Foundation, and Memorial Opera House Foundation and offering financial support to these organizations;*

*Whereas, Through her generous financial support, the Valparaiso YMCA was able to add valuable STEM education to the summer camp program in 2014, later extended to the before and after school programs;*

*Whereas, Stutzman serves as a board member of the Porter County Community Foundation, pledging to help match donations to the Emergency Response Fund. The Emergency Response Fund provides nonprofit organizations with much needed funds for programs, projects, and equipment, especially as their community faces challenges created by the COVID-19 pandemic; and*

*Whereas, The many charitable efforts by Jacki Stutzman have helped to improve the quality of life for many residents in Porter County: Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes Jacki Stutzman's many and generous contributions to her community in Porter County.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Michael Aylesworth for distribution.

The resolution was read a first time and adopted by voice vote.

### House Concurrent Resolution 12

Representative Aylesworth introduced House Concurrent Resolution 12:

A CONCURRENT RESOLUTION congratulating Lowell High School junior Karina James for winning the IHSAA Cross Country Championship.

*Whereas, Karina James is a junior cross country athlete at Lowell High School;*

*Whereas, James competed in and won the IHSAA Cross Country Championship in Terre Haute;*

*Whereas, James completed the 5,000 meter race with a time of 18:00.1, a season record, beating her closest opponent by 2.1 seconds;*

*Whereas, Although James had to confront the novel conditions created by the COVID-19 pandemic, she won every race she competed in this year;*

*Whereas, James is the second runner from Lowell to win a state title in two years, with Gabriel Sanchez winning the boys' race in 2019, and she is the first individual female winner from the program; and*

*Whereas, James says she is proud that she was able to win the title for her team and the region as a whole, and she gives all the credit to "the Man upstairs": Therefore,*

*Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates Lowell High School junior Karina James for winning the IHSAA Cross Country Championship with a season record of 18:00.1.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Michael Aylesworth for distribution.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Niemeyer.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1005, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Page 29, line 15, delete "5-30-6." and insert "5-22-9."

Page 32, line 15, after "state." insert "**The treasurer of state shall establish a date by which an application to establish an account for the 2022-2023 school year must be submitted. However, for a school year beginning after July 1, 2022, applications must be submitted for an eligible student not later than April 1 for the immediately following school year.**"

Page 34, line 41, delete "who attends a qualified school".

Page 41, delete lines 3 through 9.

Renumber all SECTIONS consecutively.  
(Reference is to HB 1005 as printed February 4, 2021.)  
and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 8.

BROWN T, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1007, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1007 as printed February 1, 2021.)  
Committee Vote: Yeas 24, Nays 0.

BROWN T, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1055, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1055 as introduced.)  
Committee Vote: Yeas 9, Nays 2.

EBERHART, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1082, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1082 as printed January 28, 2021.)  
Committee Vote: Yeas 21, Nays 0.

BROWN T, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1090, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1090 as introduced.)  
Committee Vote: Yeas 10, Nays 0.

SMALTZ, Chair

Report adopted.

### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1103, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE JANUARY 1, 2022]".

Page 2, delete lines 38 through 42, begin a new paragraph and insert:

"SECTION 2. IC 16-42-5-29, AS AMENDED BY P.L.80-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2022]: Sec. 29. (a)

Except as provided in subsection (h), this section applies to ~~an individual a home based vendor of a farmers market or roadside stand~~.

(b) As used in this section, "end consumer" means a person who is the last person to purchase any food product and who does not resell the food product.

(c) ~~An individual A home based vendor of a farmers market or roadside stand~~ is not considered to be a food establishment and is exempt from the requirements of this title that apply to food establishments if the ~~individual home based~~ vendor's food product **complies with the following:**

(1) Is made, grown, or raised ~~by an individual at the individual's on the home based vendor's~~ primary residence, ~~property owned by the individual, or property leased by the individual, including a farm or ranch where the home based vendor resides.~~

(2) Is not a potentially hazardous food product.

(3) Is prepared by an individual who practices proper sanitary procedures, including:

(A) proper hand washing;

(B) sanitation of the container or other packaging in which the food product is contained; and

(C) safe storage of the food product.

(4) Is not resold, ~~and~~

(5) Includes a label that contains the following information:

(A) The name and address of the ~~producer of the food product: home based vendor.~~

(B) The common or usual name of the food product.

(C) The ingredients of the food product, in descending order by predominance by weight.

(D) The net weight and volume of the food product by standard measure or numerical count.

(E) The date on which the food product was processed.

(F) The following statement in at least 10 point type: "This product is home produced and processed and the production area has not been inspected by the state department of health."

**(6) Is sold by the home based vendor whether in person or by telephone or Internet.**

**(7) Is delivered by:**

**(A) the home based vendor; or**

**(B) a third party carrier;**

**to the end consumer.**

(d) An individual vendor who meets the requirements in subsection (c) is subject to food sampling and inspection if:

(1) the state department determines that the individual vendor's food product is:

(A) misbranded under IC 16-42-2-3; or

(B) adulterated; or

(2) a consumer complaint has been received by the state department.

(e) If the state department has reason to believe that an imminent health hazard exists with respect to an individual vendor's food product, the state department may order cessation of production and sale of the food product until the state department determines that the hazardous situation has been addressed.

(f) For purposes of this section, the state health commissioner or the commissioner's authorized representatives may take samples for analysis and conduct examinations and investigations through any officers or employees under the state health commissioner's supervision. Those officers and employees may enter, at reasonable times, the facilities of an individual vendor and inspect any food products in those places and all pertinent equipment, materials, containers, and labeling.

(g) The state health commissioner may develop guidelines for an individual vendor who seeks an exemption from regulation as

a food establishment as described in subsection (c). The guidelines may include:

(1) standards for best safe food handling practices;

(2) disease control measures; and

(3) standards for potable water sources.

(h) The department shall exclude from the definition of food establishment the sale of products described in subsection (i):

(1) by an individual vendor of a farmers market or roadside stand; and

(2) by a farmer selling directly to the end consumer on the farm where the product is produced and through delivery to the end consumer.

(i) Subsection (h) applies to the distribution of the following products:

(1) Poultry products produced under IC 15-17-5-11. Poultry products sold at a farmers market or roadside stand must be frozen at the point of sale. Poultry products sold on the farm where the product is produced must be refrigerated at the point of sale and through delivery.

(2) Rabbits that are slaughtered and processed on a farm for the purpose of conducting limited sales on the farm, at a farmers market, and at a roadside stand. Rabbit meat sold at a farmers market or roadside stand must be frozen at the point of sale. Rabbit meat sold on the farm where the product is produced must be refrigerated at the point of sale and through delivery.

Subsection (h) does not apply to the distribution of meat from a game animal.

(j) An individual vendor of a farmers market or roadside stand that sells eggs that meet the requirements under IC 16-42-11 is not considered to be a food establishment and is exempt from the requirements of this title that apply to a food establishment relating to the sale of eggs.

(k) Notwithstanding any other law, a local unit of government (as defined in IC 14-22-31.5-1) may not by ordinance or resolution require any licensure, certification, or inspection of foods or food products of an individual vendor who meets the requirements in subsection (c), including an individual vendor who delivers the individual's food or food product directly to an end consumer.

**SECTION 3. IC 16-42-5-29.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 29.5. (a) Before December 1, 2021, the state department, the Indiana state board of animal health, and the Indiana state department of agriculture shall, in consultation with industry groups and food safety experts, submit recommendations concerning home based vendors to the general assembly in an electronic format under IC 5-14-6.**

**(b) This section expires July 1, 2022."**

Delete pages 3 through 6.

(Reference is to HB 1103 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

LEHE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1110, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1110 as introduced.)

Committee Vote: Yeas 9, Nays 2.

MCNAMARA, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1125, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 11, delete "has the meaning" and insert **"means either of the following:**

**(1) A person that is engaged in a business to produce, create, make, or construct any product or component of a product, and that:**

**(A) designs, manufactures, or formulates; or**

**(B) engages another person to design, manufacture, or formulate;**

**a medical device or component or part of a medical device.**

**(2) A person that, by compounding, cultivating, harvesting, or mixing, or by another process produces or prepares legend drugs. The term includes a person that:**

**(A) prepares legend drugs in dosage forms by mixing, compounding, encapsulating, or entableting, or by another process; or**

**(B) packages or repackages legend drugs.**

**The term does not include a pharmacist or a practitioner (as defined in IC 16-42-19-5)."**

Page 2, delete line 12.

Page 2, line 13, delete "has the" and insert **"refers to an instrument, an apparatus, an implement, a machine, a contrivance, an implant, an in vitro reagent, or another similar or related article, including a component part or accessory:**

**(1) that is recognized in the official National Formulary or the United States Pharmacopoeia, or any supplement to them;**

**(2) that is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease, in a human being or an animal; or**

**(3) that:**

**(A) is intended to affect the structure or any function of the body of a human being or an animal;**

**(B) does not achieve its primary intended purpose through chemical action within or on the body of a human being or an animal; and**

**(C) is not dependent upon being metabolized for the achievement of its primary intended purpose."**

Page 2, delete line 14.

Page 2, line 15, delete "has the meaning set" and insert **"means a person that, in the course of business conducted for that purpose, does either of the following:**

**(1) Sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a medical device or legend drug into the stream of commerce.**

**(2) Installs, repairs, refurbishes, reconditions, or maintains a medical device."**

Page 2, delete line 16, begin a new paragraph and insert:

**"Sec. 8. As used in this chapter, "sponsor" means a person on whose behalf a commercial communication is conducted to promote or advertise legal services."**

Page 2, line 17, delete "Sec. 8." and insert **"Sec. 9."**

Page 2, line 31, delete "alert or" and insert **"alert, health alert, consumer alert, or"**.

Page 3, line 3, delete "Sec. 9." and insert **"Sec. 10."**

Page 3, delete lines 7 through 25, begin a new line block indented and insert:

**"(1) Disclosures:**

**(A) that a case will be referred to another attorney or law firm to represent a consumer responding to the commercial communication; and**

**(B) identifying the attorney or law firm that will represent a consumer responding to the commercial communication;**

**if the sponsor of the commercial communication will not represent a consumer responding to the commercial communication."**

Page 3, line 26, delete "(5)" and insert **"(2)".**

Page 3, line 27, delete "section 12" and insert **"section 13".**

Page 3, line 30, delete "Sec. 10." and insert **"Sec. 11."**

Page 3, line 33, delete "Sec. 11." and insert **"Sec. 12."**

Page 3, line 36, delete "firms, including the following:" and insert **"firms."**

Page 3, delete lines 37 through 42.

Page 4, delete lines 1 through 8.

Page 4, line 9, delete "Sec. 12." and insert **"Sec. 13."**

Page 4, between lines 17 and 18, begin a new paragraph and insert:

**"Sec. 14. A deceptive act under this chapter is an incurable deceptive act."**

Page 4, delete lines 18 through 33.

Page 4, line 34, delete "Sec. 14. (a) If the attorney general does not file an action under" and insert **"Sec. 15. (a) A"**.

Page 4, line 35, delete "section 13 of this chapter, a"

Page 4, line 36, delete "to" and insert **"against any combination of persons that authorize, finance, sponsor, participate in, or otherwise benefit from a deceptive act under this chapter. In the action the court may do any combination of the following:**

**(1) Issue an injunction.**

**(2) Order the person engaged in lead generation to reimburse money unlawfully received by any person from the aggrieved consumers to be held in escrow for distribution to aggrieved consumers, void or limit the application of contracts or clauses resulting from deceptive acts, and order other restitution as the court determines appropriate.**

**(3) For a knowing or intentional violation against a consumer who is at least sixty (60) years of age, increase the amount ordered under subdivision (2) in any amount up to three (3) times the amount of damages incurred."**

Page 4, delete lines 37 through 41, begin a new paragraph and insert:

**"(b) A manufacturer, seller, or consumer that commences an action under this section shall serve the attorney general with a copy of the complaint. The attorney general may join an action under section 15 of this chapter with the action commenced by the manufacturer, seller, or consumer."**

Page 4, line 42, delete "Sec. 15." and insert **"Sec. 16."**

Page 5, line 1, delete "13 or 14" and insert **"15"**.

Page 5, delete lines 5 through 42, begin a new paragraph, and insert:

**"Sec. 17. An action brought under this chapter for a deceptive act may not be brought more than two (2) years after the occurrence of the deceptive act.**

**Sec. 18. (a) Nothing in this chapter limits or otherwise affects the authority of the supreme court to regulate the practice of law, establish and enforce rules of professional conduct for attorneys, law firms, and legal referral services, or discipline individuals admitted to practice law in Indiana.**

**(b) This chapter does not apply to attorneys licensed to practice law in the state of Indiana."**

Delete pages 6 through 11.

Page 12, delete line 1.

Renumber all SECTIONS consecutively.  
(Reference is to HB 1125 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: yeas 11, nays 0.

TORR, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1127, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-12-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

#### **Chapter 10. Long Term Recovery Group for Southwest Indiana Program**

**Sec. 1. (a)** As used in this chapter, "bureau" refers to the rehabilitation services bureau established by IC 12-12-1-1.

**(b)** As used in this chapter, "fund" refers to the long term recovery group for Southwest Indiana fund established by section 2 of this chapter.

**(c)** As used in this chapter, "program" refers to the long term recovery group for Southwest Indiana program established by subsection (d).

**(d)** The long term recovery group for Southwest Indiana program is established to do the following:

- (1)** Create a local, long term residential substance use disorder recovery facility in Southwest Indiana that is effective, accessible, accountable, and sustainable.
- (2)** Provide a systematic method to facilitate the advocacy and financial support of the recovery facility.
- (3)** Alleviate Southwest Indiana's drug and homelessness problems by helping individuals recover from addiction and help them gain control of their lives and eventually reside in permanent housing.
- (4)** Alleviate the considerable annual economic impact that substance use disorders have on Southwest Indiana.
- (5)** Provide assistance and rehabilitation to individuals who are:
  - (A)** incarcerated;
  - (B)** hospitalized;
  - (C)** homeless or housed in homeless shelters;
  - (D)** living in transitional housing;
  - (E)** being treated in emergency rooms;
  - (F)** at risk of committing suicide; and
  - (G)** at risk of experiencing an overdose on opiates and other drugs.
- (6)** Serve as a pilot program for the development of other potential long term recovery sites across Indiana.
- (7)** Provide for a program within the recovery facility that undertakes a minimum six (6) month evidence based training, peer led treatment plan for Southwest Indiana residents while providing available resources for safe detoxification, appropriate medication assistance, and psychiatric support.
- (8)** Provide daily living skills classes and job responsibility classes, and promote an overall establishment of new life behaviors.

**Sec. 2. (a)** The long term recovery group for Southwest Indiana fund is established to carry out the purposes of this chapter.

**(b)** The fund consists of:

- (1)** appropriations from the general assembly;
- (2)** appropriations to the fund from other sources;
- (3)** money received from state or federal grants or

- programs for substance use disorder projects;**
- (4)** donations and other grants intended for deposit in the fund;
- (5)** gifts and bequests, and the proceeds of the sale of gifts and bequests; and
- (6)** interest deposited into the fund under subsection (d).

**(c)** The bureau shall administer the fund. The following may be paid from money in the fund:

- (1)** Expenses of administering the fund.
- (2)** Administrative expenses incurred to carry out the purposes of this chapter.

**(d)** The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments must be deposited in the fund.

**(e)** The money in the fund at the end of a state fiscal year does not revert to the state general fund.

**(f)** The bureau shall submit to the general assembly an annual report regarding the fund. The report must include information regarding all services provided through the fund and a description of changes in the information as compared to the year preceding the year for which the report is issued.

**(g)** The bureau shall submit the report under subsection (f):

- (1)** not later than June 1 of each year; and
- (2)** in an electronic format under IC 5-14-6".

Renumber all SECTIONS consecutively.  
(Reference is to HB 1127 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

MCNAMARA, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1199, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1199 as printed January 28, 2021.)

Committee Vote: Yeas 24, Nays 0.

BROWN T, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1221, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1221 as introduced.)

Committee Vote: Yeas 8, Nays 4.

MORRIS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1224, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.  
Delete pages 2 through 4.

Page 5, delete lines 1 through 2.  
 Page 6, line 40, strike "not including".  
 Page 6, line 40, delete "craft".  
 Page 6, line 41, delete "hemp flower (as defined by IC 35-31.5-2-68.8)".  
 Page 10, delete lines 38 through 41.  
 Page 10, line 42, delete "(b)" and insert "Sec. 6."  
 Page 12, delete lines 15 through 23.  
 Page 12, between lines 23 and 24, begin a new paragraph and insert:

**"Sec. 8. (a) A person in a motor vehicle who, while the motor vehicle is in operation or the motor vehicle is located on the right-of-way of a public highway, possesses a container that contains craft hemp flower, and:**

**(1) the container does not have tamper evident packaging; or**  
**(2) the tamper evident packaging has a broken seal; commits a Class C infraction.**

**(b) A violation of this section is not considered a moving traffic violation:**

**(1) for purposes of IC 9-14-12-3; and**  
**(2) for which points are assessed by the bureau under the point system."**

Renumber all SECTIONS consecutively.  
 (Reference is to HB 1224 as introduced.)  
 and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

MORRIS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1231, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 36-2-7-10, AS AMENDED BY P.L.86-2018, SECTION 337, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) The following definitions apply to this section:

(1) "Copy" means:

(A) transcribing or duplicating a document by handwriting, photocopy, xerography, or duplicating machine;

(B) duplicating electronically stored data onto a disk, tape, drum, or any other means of electronic data storage; or

(C) reproducing a document by any other means.

(2) "Mortgage" means a transfer of rights to real property, in a form substantially similar to that set forth in IC 32-29-1-5, with or without warranty from the grantor. The term does not include:

(A) a mortgage modification;

(B) a mortgage assignment; or

(C) a mortgage release.

(3) "Multiple transaction document" means a document containing two (2) or more transactions of the same type.  
 (4) "Record" or "recording" means the act of placing a document into the official records of the county recorder and includes the functions of filing and filing for record.

(b) The county recorder shall charge and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(c) The county recorder shall charge the following:

(1) Twenty-five dollars (\$25) for recording any deed or other instrument, other than a mortgage.

(2) Fifty-five dollars (\$55) for recording any mortgage.

(3) For pages larger than eight and one-half (8 1/2) inches by fourteen (14) inches twenty-five dollars (\$25) for the first page and five dollars (\$5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(4) If the county recorder has elected to attest to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is seven dollars (\$7) plus the amount provided in subdivision (1).

(5) For furnishing copies of records, the fee for each copy is:

(A) one dollar (\$1) per page that is not larger than eleven (11) inches by seventeen (17) inches; and

(B) five dollars (\$5) per page that is larger than eleven (11) inches by seventeen (17) inches.

(6) Five dollars (\$5) for acknowledging or certifying to a document.

(7) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

**(8) Twenty-five dollars (\$25) per parcel for recording the release of a lien or liens of a political subdivision for a property sold or transferred under IC 6-1.1-24-6.1 or IC 36-1-11, regardless of the number of liens held by the political subdivision. This fee applies to each political subdivision with a lien or liens on a parcel. In addition to the fee under this subdivision, if a county fiscal body adopts a fee under section 10.7 of this chapter, the county recorder may charge the fee under section 10.7 of this chapter for each document recorded by a political subdivision under this subdivision.**

~~(8)~~ (9) This subdivision applies in a county only if at least one (1) unit in the county has established an affordable housing fund under IC 5-20-5-15.5 and the county fiscal body adopts an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of ten dollars (\$10) for each document the recorder records.

~~(9)~~ (10) This subdivision applies in a county containing a consolidated city that has established a housing trust fund under IC 36-7-15.1-35.5(e). This subdivision does not apply if the county fiscal body adopts a fee under section 10.7 of this chapter. The county fiscal body may adopt an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents (\$2.50) for the first page; and

(B) one dollar (\$1) for each additional page; of each document the recorder records.

(d) This subsection does not apply in a county containing a consolidated city. Section 10.5 of this chapter applies to the deposit of fees collected under subsection (c)(1) and (c)(8) in a county containing a consolidated city. The county recorder shall deposit the fees collected under subsection (c)(1) and (c)(8) as follows:

(1) Eight dollars (\$8) in the county general fund.

(2) Five dollars (\$5) in the county surveyor's corner

perpetuation fund for use as provided under IC 21-47-3-3 or IC 36-2-12-11(e).

(3) Ten dollars (\$10) in the county recorder's records perpetuation fund established under subsection (f).

(4) One dollar (\$1) in the county identification security protection fund established under IC 36-2-7.5-11.

(5) One dollar (\$1) in the county elected officials training fund under IC 36-2-7-19.

(e) This subsection does not apply in a county containing a consolidated city. Section 10.5 of this chapter applies to the deposit of fees collected under subsection (c)(2) in a county containing a consolidated city. The county recorder shall deposit the fees collected under subsection (c)(2) as follows:

(1) Thirty-four dollars (\$34) in the county general fund.

(2) Five dollars (\$5) in the county surveyor's corner perpetuation fund for use as provided under IC 21-47-3-3 or IC 36-2-12-11(e).

(3) Eleven dollars and fifty cents (\$11.50) in the county recorder's records perpetuation fund established under subsection (f).

(4) Two dollars and fifty cents (\$2.50) with the county treasurer to be distributed in accordance with IC 24-9-9-3 and IC 24-9-9-4.

(5) One dollar (\$1) in the county identification security protection fund established under IC 36-2-7.5-11.

(6) One dollar (\$1) in the county elected officials training fund under IC 36-2-7-19.

(f) The county treasurer shall establish a county recorder's records perpetuation fund. The fund consists of all fees collected under this section for deposit in the fund and amounts transferred to the fund from the county identification security protection fund under IC 36-2-7.5-11. Except as provided in section 10.2 of this chapter, the county recorder may use any money in this fund without appropriation for:

(1) the preservation of records; and

(2) the improvement of record keeping systems and equipment;

within the control of the county recorder. Money from the fund may not be deposited or transferred into the county general fund and does not revert to the county general fund at the end of a fiscal year.

(g) The county recorder shall post the fees set forth in subsection (c) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(h) The county recorder may not charge or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-17-2-3.

(E) IC 10-17-3-2.

(F) IC 12-14-13.

(G) IC 12-14-16.

(i) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

(j) This subsection applies to a county other than a county containing a consolidated city. The county treasurer shall distribute money collected by the county recorder under subsection ~~(c)(8)~~ **(c)(9)** as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection ~~(c)(8)~~ **(c)(9)** shall be distributed to the units in the county that have established an affordable housing fund under IC 5-20-5-15.5 for deposit in the fund. The amount to be distributed to a unit is the amount available for distribution multiplied by a fraction. The numerator of the fraction is the population of

the unit. The denominator of the fraction is the population of all units in the county that have established an affordable housing fund. The population to be used for a county that establishes an affordable housing fund is the population of the county outside any city or town that has established an affordable housing fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection ~~(c)(8)~~ **(c)(9)** shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

(k) This subsection applies to a county described in subsection ~~(c)(9)~~ **(c)(10)**. The county treasurer shall distribute money collected by the county recorder under subsection ~~(c)(9)~~ **(c)(10)** as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection ~~(c)(9)~~ **(c)(10)** shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5(e) for the purposes of the fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection ~~(c)(9)~~ **(c)(10)** shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

Money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

(l) The county recorder may also include a cross-reference or multiple cross-references identified in a document for recording under this section. For cross-references not otherwise required by statute or county ordinance, the person submitting the document for recording shall clearly identify on the front page of the instrument the specific cross-reference or cross-references to be included with the recorded documents.

SECTION 2. IC 36-2-7-10.5, AS AMENDED BY P.L.86-2018, SECTION 339, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.5. (a) This section applies only in a county containing a consolidated city.

(b) The county recorder shall deposit the fees collected under section 10(c)(1) **and 10(c)(8)** of this chapter as follows:

(1) Nine dollars (\$9) in the county general fund.

(2) Five dollars (\$5) in the county surveyor's corner perpetuation fund for use as provided under IC 21-47-3-3 or IC 36-2-12-11(e).

(3) Ten dollars (\$10) in the county recorder's records perpetuation fund established under section 10(f) of this chapter.

(4) Fifty cents (\$0.50) in the county identification security protection fund established under IC 36-2-7.5-11.

(5) Fifty cents (\$0.50) in the county elected officials training fund under IC 36-2-7-19.

(c) The county recorder shall deposit the fees collected under section 10(c)(2) of this chapter as follows:

(1) Thirty-five dollars (\$35) in the county general fund.

(2) Five dollars (\$5) in the county surveyor's corner perpetuation fund for use as provided under IC 21-47-3-3 or IC 36-2-12-11(e).

(3) Eleven dollars and fifty cents (\$11.50) in the county recorder's records perpetuation fund established under section 10(f) of this chapter.

(4) Two dollars and fifty cents (\$2.50) with the county treasurer to be distributed in accordance with IC 24-9-9-3 and IC 24-9-9-4.

(5) Fifty cents (\$0.50) in the county identification security protection fund established under IC 36-2-7.5-11.

(6) Fifty cents (\$0.50) in the county elected officials training fund under IC 36-2-7-19.



SECTION 3. IC 36-2-7-10.7, AS ADDED BY P.L.127-2017, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10.7. (a) This section applies in a county containing a consolidated city that has established a housing trust fund under IC 36-7-15.1-35.5(e).

(b) The county fiscal body may adopt an ordinance authorizing the county recorder to charge a fee of ten dollars (\$10) for each document the recorder records.

(c) If the county fiscal body adopts an ordinance under this section, the following do not apply:

(1) Section ~~10(c)(9)~~ **10(c)(10)** of this chapter.

(2) Section 10(k) of this chapter.

(d) All money collected by the county recorder under this section shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5(e) for the purposes of the fund.

(Reference is to HB 1231 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

ZENT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1260, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE JANUARY 1, 2023]".

Page 6, line 34, after "certificate," insert "**a membership**".  
(Reference is to HB 1260 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

MORRIS, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1266, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 13 through 42.

Delete page 3.

Page 4, delete lines 1 through 18.

Renumber all SECTIONS consecutively.

(Reference is to HB 1266 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1268, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1268 as introduced.)

Committee Vote: Yeas 10, Nays 0.

LEHE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1271, has had the same under

consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 30 with "[EFFECTIVE JANUARY 1, 2021 (RETROACTIVE)]".

Replace the effective date in SECTION 41 with "[EFFECTIVE JANUARY 1, 2021 (RETROACTIVE)]".

Replace the effective dates in SECTIONS 70 through 74 with "[EFFECTIVE JANUARY 1, 2021 (RETROACTIVE)]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-1-11-1, AS AMENDED BY P.L.125-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) Except as otherwise provided in this chapter or in the statute authorizing their issuance, all bonds issued by or in the name of counties, townships, cities, towns, school corporations, and special taxing districts, agencies or instrumentalities thereof, or by entities required to sell bonds pursuant to IC 5-1-11, whether the bonds are general obligations or issued in anticipation of the collection of special taxes or are payable out of revenues, may be sold:

(1) at a public sale; or

(2) alternatively, at a negotiated sale ~~after June 30, 2018, and before July 1, 2021~~, in the case of:

~~(A) a consolidated city;~~

~~(B) a second class city; or~~

~~(C) a school corporation located in a city described in clause (A) or (B);~~

**(A) counties;**

**(B) townships;**

**(C) cities;**

**(D) towns; and**

**(E) school corporations.**

(b) The word "bonds" as used in this chapter means any obligations issued by or in the name of any of the political subdivisions or bodies referred to in subsection (a), except obligations payable in the year in which they are issued, obligations issued in anticipation of the collection of delinquent taxes, and obligations issued in anticipation of the collection of frozen bank deposits.

(c) Notwithstanding any of the provisions of subsection (a) or any of the provisions of section 2 of this chapter, any bonds may be sold to the federal government or any agency thereof, at private sale and without a public offering.

SECTION 2. IC 5-1-11-6, AS AMENDED BY P.L.125-2018, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) In cases where other statutes authorize the issuance and exchange of new bonds for the purpose of refunding or redeeming outstanding bonds for the payment of which no funds are available, it shall be the duty of the officers charged with issuance and exchange of the new bonds to cause the bonds to be offered:

(1) at a public sale as provided in this chapter; or

(2) alternatively, at a negotiated sale ~~after June 30, 2018, and before July 1, 2021~~, in the case of:

~~(A) a consolidated city;~~

~~(B) a second class city; or~~

~~(C) a school corporation located in a city described in clause (A) or (B);~~

**(A) counties;**

**(B) townships;**

**(C) cities;**

**(D) towns; and**

**(E) school corporations.**

(b) In cases where it is necessary to provide for the refunding of bonds or interest coupons maturing at various times over a period not exceeding six (6) months, the bodies and officials charged with the duty of issuing and selling the refunding bonds may, for the purpose of reducing the cost of issuance of the bonds, issue and sell one (1) issue of bonds in an amount

sufficient to provide for the refunding of all of the bonds and interest coupons required to be refunded during the six (6) month period."

Page 4, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 6. IC 6-1.1-4-11, AS AMENDED BY P.L.219-2007, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]: Sec. 11. (a) If a substantial amount of real and personal property in a township has been ~~partially or totally~~ **physically destroyed, in whole or in part**, as a result of a disaster, the county assessor shall:

(1) cause a survey to be made of the area or areas in which the property has been destroyed; and

(2) order a reassessment of the destroyed property;

if a person petitions the county assessor to take that action. The county assessor shall specify in the assessor's order the time within which the reassessment must be completed and the date on which the reassessment will become effective. However, the reassessed value and the corresponding adjustment of tax due, past due, or already paid is effective as of the date the disaster occurred, without penalty.

(b) The petition for reassessment of destroyed property, the reassessment order, and the tax adjustment order may not be made after December 31st of the year in which the taxes which would first be affected by the reassessment are payable."

Page 26, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 31. IC 6-1.1-18.5-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 27. (a) **This section applies only to the town of Winfield in Lake County.**

(b) The executive of a town described in subsection (a) may, after approval by the fiscal body of the town, and before August 1, 2021, submit a petition to the department of local government finance requesting an increase in the town's maximum permissible ad valorem property tax levy for property taxes first due and payable in 2022.

(c) If the executive of the town submits a petition under subsection (b), the department of local government finance shall increase the maximum permissible ad valorem property tax levy for the town's general fund for property taxes first due and payable in 2022 by not more than one million one hundred thousand dollars (\$1,100,000).

(d) The town's maximum permissible ad valorem property tax levy for the town's general fund for property taxes first due and payable in 2022, as adjusted under this section, shall be used in the determination of the town's maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for property taxes first due and payable in 2023 and thereafter.

(e) **This section expires June 30, 2026."**

Page 28, line 7, after "language" insert **"and the certification of the county auditor described in subsection (p)"**.

Page 28, line 12, delete "certify" and insert **"post"**.

Page 28, line 15, delete "determined by the political subdivision for purposes of the" and insert **"certified by the county auditor under subsection (p)"**.

Page 28, line 16, delete "public question in subsection (c), and must post these values".

Page 32, delete lines 16 through 42, begin a new paragraph and insert:

**"(n) At the request of a political subdivision that proposes to impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project, the county auditor of a county in which the political subdivision is located shall determine the estimated average percentage of property tax increase on a homestead to be paid to the political subdivision that must be included in the public question under subsection (c) as follows:**

**STEP ONE: Determine the average assessed value of a homestead located within the political subdivision.**

**STEP TWO: For purposes of determining the net assessed value of the average homestead located within the political subdivision, subtract:**

(A) an amount for the homestead standard deduction under IC 6-1.1-12-37 as if the homestead described in STEP ONE was eligible for the deduction; and

(B) an amount for the supplemental homestead deduction under IC 6-1.1-12-37.5 as if the homestead described in STEP ONE was eligible for the deduction;

**from the result of STEP ONE.**

**STEP THREE: Divide the result of STEP TWO by one hundred (100).**

**STEP FOUR: Determine the overall average tax rate per one hundred dollars (\$100) of assessed valuation for the current year imposed on property located within the political subdivision.**

**STEP FIVE: For purposes of determining net property tax liability of the average homestead located within the political subdivision:**

(A) multiply the result of STEP THREE by the result of STEP FOUR; and

(B) as appropriate, apply any currently applicable county property tax credit rates and the credit for excessive property taxes under IC 6-1.1-20.6-7.5(a)(1).

**STEP SIX: Determine the amount of the political subdivision's part of the result determined in STEP FIVE.**

**STEP SEVEN: Determine the estimated tax rate that will be imposed if the public question is approved by the voters.**

**STEP EIGHT: Multiply the result of STEP SEVEN by the result of STEP THREE.**

**STEP NINE: Divide the result of STEP EIGHT by the result of STEP SIX, expressed as a percentage.**

(o) At the request of a political subdivision that proposes to impose property taxes to pay debt service on bonds or lease rentals on a lease for a controlled project, the county auditor of a county in which the political subdivision is located shall determine the estimated average percentage of property tax increase on a business property to be paid to the political subdivision that must be included in the public question under subsection (c) as follows:

**STEP ONE: Determine the average assessed value of a homestead located within the political subdivision.**

**STEP TWO: Divide the result of STEP ONE by one hundred (100).**

**STEP THREE: Determine the overall average tax rate per one hundred dollars (\$100) of assessed valuation for the current year imposed on property located within the political subdivision.**

**STEP FOUR: For purposes of determining net property tax liability of the average business property located within the political subdivision:**

(A) multiply the result of STEP TWO by the result of STEP THREE; and

(B) as appropriate, apply any currently applicable county property tax credit rates and the credit for excessive property taxes under IC 6-1.1-20.6-7.5 as if the applicable percentage was three percent (3%).

**STEP FIVE: Determine the amount of the political subdivision's part of the result determined in STEP FOUR.**

**STEP SIX: Determine the estimated tax rate that will be imposed if the public question is approved by the voters.**

**STEP SEVEN: Multiply the result of STEP TWO by**

the result of STEP SIX.

**STEP EIGHT: Divide the result of STEP SEVEN by the result of STEP FIVE, expressed as a percentage.**

**(p) The county auditor shall certify the estimated average percentage of property tax increase on a homestead to be paid to the political subdivision determined under subsection (n), and the estimated average percentage of property tax increase on a business property to be paid to the political subdivision determined under subsection (o), in a manner prescribed by the department of local government finance, and provide the certification to the political subdivision that proposes to impose property taxes. The political subdivision shall provide the certification to the county election board and include the estimated average percentages in the language of the public question at the time the language of the public question is submitted to the county election board for approval as described in subsection (c)."**

Page 33, delete lines 1 through 11.

Page 34, line 17, delete "Notwithstanding" and insert **"(a) This section does not apply to a parcel that is included in more than one (1) allocation area as of January 1, 2021.**

**(b) Except as provided in subsection (a), but notwithstanding"**.

Page 35, line 30, strike "May" and insert **"June"**.

Page 38, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 42. IC 6-3.6-7-14, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) This section applies only to Marshall County.

(b) The county fiscal body may impose a tax on the adjusted gross income of local taxpayers at a tax rate that does not exceed the lesser of the following:

(1) Twenty-five hundredths percent (0.25%).

(2) The rate necessary to carry out the purposes described in subsection (c).

(c) Revenue raised from a tax under this section may be used only for the following purposes:

(1) To finance, construct, acquire, improve, renovate, or equip:

(A) jail facilities;

(B) juvenile court, detention, and probation facilities;

(C) other criminal justice facilities; and

(D) related buildings and parking facilities;

located in the county, including costs related to the demolition of existing buildings and the acquisition of land.

(2) Repay bonds issued or leases entered into for the purposes described in subdivision (1).

(d) The tax imposed under this section may be imposed only until the last of the following dates:

(1) The date on which the purposes described in subsection (c)(1) are completed.

(2) The date on which the last of any bonds issued (including any refunding bonds) or leases described in subsection (c)(2) are fully paid.

The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (c)(2) may not exceed twenty (20) years.

(e) Money accumulated from the tax under this section after the tax imposed by this section is terminated shall be transferred to the county ~~highway jail fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.~~ established under subsection (f).

**(f) The county auditor shall establish a county jail fund to be used only for the purposes described in this section.**

SECTION 43. IC 6-3.6-7-17, AS ADDED BY P.L.243-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) This section applies only to Perry County.

(b) Perry County possesses unique governmental and economic development challenges due to:

(1) underemployment in relation to similarly situated counties and the loss of a major manufacturing business; and

(2) overcrowding of the county jail, the costs associated with housing the county's inmates outside the county, and the potential unavailability of additional housing for inmates outside the county.

The use of a tax under this section is necessary for the county to provide adequate jail capacity in the county and to maintain low property tax rates essential to economic development. The use of a tax under this section for the purposes described in this section promotes these purposes.

(c) The county fiscal body may impose a tax on the adjusted gross income of local taxpayers at a tax rate that does not exceed the lesser of the following:

(1) Five-tenths percent (0.5%).

(2) The rate necessary to carry out the purposes described in this section.

(d) Revenue from a tax imposed under this section may be used only for the following purposes:

(1) To finance, construct, acquire, improve, renovate, remodel, or equip the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs.

(2) To repay bonds issued or leases entered into for constructing, acquiring, improving, renovating, remodeling, and equipping the county jail and related buildings and parking facilities, including costs related to the demolition of existing buildings, the acquisition of land, and any other reasonably related costs.

(e) The tax imposed under this section may be imposed only until the last of the following dates:

(1) The date on which the purposes described in subsection (d)(1) are completed.

(2) The date on which the last of any bonds issued (including any refunding bonds) or leases described in subsection (d)(2) are fully paid.

The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (d)(2) may not exceed twenty-five (25) years.

(f) Funds accumulated from a tax under this section after:

(1) the redemption of the bonds issued; or

(2) the final payment of lease rentals due under a lease entered into under this section;

shall be transferred to the county ~~highway jail operations fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.~~ **financing the maintenance and operations of the Perry County detention center."**

Page 41, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 46. IC 6-6-13-7, AS ADDED BY P.L.288-2013, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 7. The sale of aviation fuel is exempt from the aviation fuel excise tax if the aviation fuel is placed into the fuel supply tank of an aircraft owned by:

(1) the United States or an agency or instrumentality of the United States;

(2) the state of Indiana;

(3) the Indiana Air National Guard; ~~or~~

(4) a common carrier of passengers or freight; ~~or~~

**(5) an aerial applicator.**

SECTION 47. IC 6-9-25-9.5, AS AMENDED BY P.L.194-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9.5. (a) This section applies to revenues from the county food and beverage tax received by the county after June 30, 1994.

(b) Money in the fund established under section 8 of this chapter may be used by the county for the financing, construction, renovation, improvement, equipping, or maintenance of the following capital improvements:

- (1) Sanitary sewers or wastewater treatment facilities that serve economic development purposes.
- (2) Drainage or flood control facilities that serve economic development purposes.
- (3) Road improvements used on an access road for an industrial park that serve economic development purposes.
- (4) A covered horse show arena.
- (5) A historic birthplace memorial.
- (6) A historic gymnasium and community center in a town in the county with a population greater than two thousand (2,000) but less than two thousand three hundred (2,300).
- (7) Main street renovation and picnic and park areas in a town in the county with a population greater than two thousand (2,000) but less than two thousand three hundred (2,300).
- (8) A community park, **expo center**, and cultural center.
- (9) Projects for which the county decides after July 1, 1994, to:
  - (A) expend money in the fund established under section 8 of this chapter; or
  - (B) issue bonds or other obligations or enter into leases under section 11.5 of this chapter;
 after the projects described in subdivisions (1) through (8) have been funded.
- (10) An ambulance.
- (11) The construction, renovation, improvement, or repair of county roads.

Money in the fund may not be used for the personnel expenses and other operating costs of any of the permissible projects listed in this section. In addition, the county may not issue bonds or enter into leases or other obligations under this chapter after December 31, 2015. Money pledged to the payment of an obligation entered into under this subsection may not be used for any other purpose as long as the obligation remains outstanding.

SECTION 48. IC 6-9-25-11.5, AS AMENDED BY P.L.158-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11.5. (a) ~~Until January 1, 2016; The county may:~~

- (1) use money in the fund established under section 8 of this chapter to pay all or part of the costs associated with the facilities described in section 9.5 of this chapter;
  - (2) issue bonds, enter into leases, or incur other obligations to pay any costs associated with the facilities described in section 9.5 of this chapter;
  - (3) reimburse the county or any nonprofit corporation for any money advanced to pay those costs; or
  - (4) refund bonds issued or other obligations incurred under this chapter.
- (b) Bonds or other obligations issued under this section:
- (1) are payable from money provided in this chapter, any other revenues available to the county, or any combination of these sources, in accordance with a pledge made under IC 5-1-14-4;
  - (2) must be issued in the manner prescribed by IC 36-2-6-18 through IC 36-2-6-20;
  - (3) may, in the discretion of the county, be sold at a negotiated sale at a price to be determined by the county or in accordance with IC 5-1-11 and IC 5-3-1; and
  - (4) may be issued for a term not to exceed twenty (20) years, such term to include any refunding bonds issued to refund bonds originally issued under this section.
- (c) Leases entered into under this section:
- (1) may be for a term not to exceed fifty (50) years;
  - (2) may provide for payments from revenues under this chapter, any other revenues available to the county, or any combination of these sources;

(3) may provide that payments by the county to the lessor are required only to the extent and only for the time that the lessor is able to provide the leased facilities in accordance with the lease;

(4) must be based upon the value of the facilities leased; and

(5) may not create a debt of the county for purposes of the Constitution of the State of Indiana.

(d) A lease may be entered into by the county executive only after a public hearing at which all interested parties are provided the opportunity to be heard. After the public hearing, the executive may approve the execution of the lease on behalf of the county only if the executive finds that the service to be provided throughout the life of the lease will serve the public purpose of the county and is in the best interests of its residents. A lease approved by the executive must also be approved by an ordinance of the county fiscal body.

(e) Upon execution of a lease under this section, and after approval of the lease by the county fiscal body, the county executive shall publish notice of the execution of the lease and the approval of the lease in accordance with IC 5-3-1.

(f) An action to contest the validity of bonds issued or leases entered into under this section must be brought within thirty (30) days after the adoption of a bond ordinance or notice of the execution and approval of the lease, as the case may be.

SECTION 49. IC 6-9-25-15, AS ADDED BY P.L.194-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) The county food and beverage tax advisory committee is established to make recommendations to the county fiscal body concerning the use of money in the fund established under section 8 of this chapter. The committee consists of the following nine (9) members:

- (1) Three (3) members appointed by the county executive.
  - (2) Two (2) members appointed by the county fiscal body.
  - (3) One (1) member appointed by the fiscal body of ~~a town in the county with a population greater than two thousand (2,000) but less than two thousand three hundred (2,300); the second largest town by population located in the county.~~ The member appointed under this subdivision must be a resident of the town.
  - (4) One (1) member appointed by the fiscal body of ~~a town in the county with a population greater than two thousand three hundred (2,300); the third largest town by population located in the county.~~ The member appointed under this subdivision must be a resident of the town.
  - (5) One (1) member appointed by the executive of the largest city in the county. The member appointed under this subdivision must be a resident of the city.
  - (6) One (1) member appointed by the fiscal body of the largest city in the county. The member appointed under this subdivision must be a resident of the city.
- (b) This subsection applies to the members of the committee appointed by the county executive under subsection (a)(1). Each member appointed must be a resident of the county. The three (3) members must live in separate commissioner districts. Not more than two (2) of the members may be from the same political party.
- (c) This subsection applies to the members of the committee appointed by the county fiscal body under subsection (a)(2). Each member must be a resident of the county who lives in a town with a population of less than two thousand (2,000). The two (2) members may not live in the same town and may not be from the same political party.

(d) The term of a member appointed to the committee is four (4) years.

(e) A member whose term expires may be reappointed to the committee to fill the vacancy caused by the expiration."

Page 42, line 31, delete "Notwithstanding" and insert "(a) **This section does not apply to a parcel that is included in**

more than one (1) allocation area as of January 1, 2021.

(b) Except as provided in subsection (a), but notwithstanding".

Page 45, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 53. IC 14-27-6-40, AS AMENDED BY P.L.125-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 40. The provisions of IC 5-1 and IC 6-1.1-20 relating to the following apply to proceedings under this chapter:

- (1) The filing of a petition requesting the issuance of bonds and giving notice of the petition.
- (2) The giving of notice of determination to issue bonds.
- (3) The giving of notice of hearing on the appropriation of the proceeds of bonds and the right of taxpayers to appeal and be heard on the proposed appropriation.
- (4) The approval of the appropriation by the department of local government finance.
- (5) The right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or

(B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a).

- (6) The sale of bonds at:

(A) a public sale for not less than the par value; or

(B) alternatively, a negotiated sale. ~~after June 30, 2018, and before July 1, 2021, in the case of a city described in section 1(1) of this chapter."~~

Page 49, line 19, after "chapter," insert "The language of the public question must include the estimated average percentage increases certified by the county auditor under section 10(e) of this chapter. The governing body of the school corporation shall also provide the county auditor's certification described in section 10(e) of this chapter. The department of local government finance shall post the values certified by the county auditor to the department's Internet web site."

Page 49, line 19, delete "-".

Page 49, line 20, delete "(A)".

Page 49, line 21, delete ";".

Page 49, delete lines 22 through 27.

Page 49, line 28, delete "the department's Internet web site;".

Page 49, line 29, delete "(D)".

Page 49, run in lines 19 through 30.

Page 51, delete lines 5 through 40, begin a new paragraph and insert:

"(c) At the request of the governing body of a school corporation that proposes to impose property taxes under this chapter, the county auditor of the county in which the school corporation is located shall determine the estimated average percentage of property tax increase on a homestead to be paid to the school corporation that must be included in the public question under subsection (b) as follows:

STEP ONE: Determine the average assessed value of a homestead located within the school corporation.

STEP TWO: For purposes of determining the net assessed value of the average homestead located within the school corporation, subtract:

(A) an amount for the homestead standard deduction under IC 6-1.1-12-37 as if the homestead described in STEP ONE was eligible for the deduction; and

(B) an amount for the supplemental homestead deduction under IC 6-1.1-12-37.5 as if the homestead described in STEP ONE was eligible for the deduction;

from the result of STEP ONE.

STEP THREE: Divide the result of STEP TWO by one

hundred (100).

STEP FOUR: Determine the overall average tax rate per one hundred dollars (\$100) of assessed valuation for the current year imposed on property located within the school corporation.

STEP FIVE: For purposes of determining net property tax liability of the average homestead located within the school corporation:

(A) multiply the result of STEP THREE by the result of STEP FOUR; and

(B) as appropriate, apply any currently applicable county property tax credit rates and the credit for excessive property taxes under IC 6-1.1-20.6-7.5(a)(1).

STEP SIX: Determine the amount of the school corporation's part of the result determined in STEP FIVE.

STEP SEVEN: Multiply:

(A) the tax rate that will be imposed if the public question is approved by the voters; by

(B) the result of STEP THREE.

STEP EIGHT: Divide the result of STEP SEVEN by the result of STEP SIX, expressed as a percentage.

(d) At the request of the governing body of a school corporation that proposes to impose property taxes under this chapter, the county auditor of the county in which the school corporation is located shall determine the estimated average percentage of property tax increase on a business property to be paid to the school corporation that must be included in the public question under subsection (b) as follows:

STEP ONE: Determine the average assessed value of a homestead located within the school corporation.

STEP TWO: Divide the result of STEP ONE by one hundred (100).

STEP THREE: Determine the overall average tax rate per one hundred dollars (\$100) of assessed valuation for the current year imposed on property located within the school corporation.

STEP FOUR: For purposes of determining net property tax liability of the average business property located within the school corporation:

(A) multiply the result of STEP TWO by the result of STEP THREE; and

(B) as appropriate, apply any currently applicable county property tax credit rates and the credit for excessive property taxes under IC 6-1.1-20.6-7.5 as if the applicable percentage was three percent (3%).

STEP FIVE: Determine the amount of the school corporation's part of the result determined in STEP FOUR.

STEP SIX: Multiply:

(A) the result of STEP TWO; by

(B) the tax rate that will be imposed if the public question is approved by the voters.

STEP SEVEN: Divide the result of STEP SIX by the result of STEP FIVE, expressed as a percentage.

(e) The county auditor shall certify the estimated average percentage of property tax increase on a homestead to be paid to the school corporation determined under subsection (c), and the estimated average percentage of property tax increase on a business property to be paid to the school corporation determined under subsection (d), in a manner prescribed by the department of local government finance, and provide the certification to the governing body of the school corporation that proposes to impose property taxes."

Page 52, line 35, strike "the number of years for which the expiring referendum tax levy".

Page 52, line 36, strike "was imposed." and insert "eight (8) years."

Page 52, between lines 36 and 37, begin a new paragraph and

insert:

"SECTION 61. IC 20-46-1-11, AS AMENDED BY P.L.246-2017, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. **Except as provided in section 10.1(c) of this chapter**, the voters in a referendum may not approve a levy that is imposed for more than the following:

(1) For a referendum before July 1, 2017, seven (7) years.

(2) For a referendum after June 30, 2017, eight (8) years.

However, a levy may be reimposed or extended under this chapter."

Page 53, line 15, after "chapter." insert "The language of the public question must include the estimated average percentage increases certified by the county auditor under section 9(d) of this chapter. The governing body of the school corporation shall also provide the county auditor's certification described in section 9(d) of this chapter. The department of local government finance shall post the values certified by the county auditor to the department's Internet web site."

Page 53, line 15, delete ":",

Page 53, line 16, delete "(A)".

Page 53, line 17, delete ":",

Page 53, delete lines 18 through 23.

Page 53, line 24, delete "the department's Internet web site:",

Page 53, line 25, delete "(D)".

Page 53, run in lines 15 through 26.

Page 54, delete lines 34 through 42, begin a new paragraph and insert:

"(b) At the request of the governing body of a school corporation that proposes to impose property taxes under this chapter, the county auditor of the county in which the school corporation is located shall determine the estimated average percentage of property tax increase on a homestead to be paid to the school corporation that must be included in the public question under subsection (a) as follows:

STEP ONE: Determine the average assessed value of a homestead located within the school corporation.

STEP TWO: For purposes of determining the net assessed value of the average homestead located within the school corporation, subtract:

(A) an amount for the homestead standard deduction under IC 6-1.1-12-37 as if the homestead described in STEP ONE was eligible for the deduction; and

(B) an amount for the supplemental homestead deduction under IC 6-1.1-12-37.5 as if the homestead described in STEP ONE was eligible for the deduction;

from the result of STEP ONE.

STEP THREE: Divide the result of STEP TWO by one hundred (100).

STEP FOUR: Determine the overall average tax rate per one hundred dollars (\$100) of assessed valuation for the current year imposed on property located within the school corporation.

STEP FIVE: For purposes of determining net property tax liability of the average homestead located within the school corporation:

(A) multiply the result of STEP THREE by the result of STEP FOUR; and

(B) as appropriate, apply any currently applicable county property tax credit rates and the credit for excessive property taxes under IC 6-1.1-20.6-7.5(a)(1).

STEP SIX: Determine the amount of the school corporation's part of the result determined in STEP FIVE.

STEP SEVEN: Multiply:

(A) the tax rate that will be imposed if the public

question is approved by the voters; by

(B) the result of STEP THREE.

STEP EIGHT: Divide the result of STEP SEVEN by the result of STEP SIX, expressed as a percentage.

(c) At the request of the governing body of a school corporation that proposes to impose property taxes under this chapter, the county auditor of the county in which the school corporation is located shall determine the estimated average percentage of property tax increase on a business property to be paid to the school corporation that must be included in the public question under subsection (a) as follows:

STEP ONE: Determine the average assessed value of a homestead located within the school corporation.

STEP TWO: Divide the result of STEP ONE by one hundred (100).

STEP THREE: Determine the overall average tax rate per one hundred dollars (\$100) of assessed valuation for the current year imposed on property located within the school corporation.

STEP FOUR: For purposes of determining net property tax liability of the average business property located within the school corporation:

(A) multiply the result of STEP TWO by the result of STEP THREE; and

(B) as appropriate, apply any currently applicable county property tax credit rates and the credit for excessive property taxes under IC 6-1.1-20.6-7.5 as if the applicable percentage was three percent (3%).

STEP FIVE: Determine the amount of the school corporation's part of the result determined in STEP FOUR.

STEP SIX: Multiply:

(A) the result of STEP TWO; by

(B) the tax rate that will be imposed if the public question is approved by the voters.

STEP SEVEN: Divide the result of STEP SIX by the result of STEP FIVE, expressed as a percentage.

(d) The county auditor shall certify the estimated average percentage of property tax increase on a homestead to be paid to the school corporation determined under subsection (b), and the estimated average percentage of property tax increase on a business property to be paid to the school corporation determined under subsection (c), in a manner prescribed by the department of local government finance, and provide the certification to the governing body of the school corporation that proposes to impose property taxes."

Page 55, delete lines 1 through 27.

Page 59, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 67. IC 20-48-1-4, AS AMENDED BY P.L.125-2018, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. (a) Bonds issued by a school corporation shall be sold:

(1) at a public sale; or

(2) alternatively, at a negotiated sale. ~~after June 30, 2018, and before July 1, 2021, in the case of a school corporation located in:~~

~~(A) a consolidated city; or~~

~~(B) a second class city;~~

(b) If the bonds are sold at a public sale, the bonds must be sold at:

(1) not less than par value;

(2) a public sale as provided by IC 5-1-11; and

(3) any rate or rates of interest determined by the bidding.

(c) This subsection does not apply to bonds for which a school corporation:

(1) after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5; or

(2) in the case of bonds not subject to IC 6-1.1-20-3.1,

IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the bonds after June 30, 2008.

If the net interest cost exceeds eight percent (8%) per year, the bonds must not be issued until the issuance is approved by the department of local government finance."

Page 63, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 73. IC 33-34-8-1, AS AMENDED BY P.L.39-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

- (1) A township docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.
- (2) The bailiff's service of process by registered or certified mail fee of ~~thirteen dollars (\$13)~~ **fifteen dollars (\$15)** for each service.
- (3) The cost for the personal service of process by the bailiff or other process server of ~~thirteen dollars (\$13)~~ **fifteen dollars (\$15)** for each service.
- (4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.
- (5) A redocketing fee, if any, of five dollars (\$5).
- (6) A document storage fee under IC 33-37-5-20.
- (7) An automated record keeping fee under IC 33-37-5-21.
- (8) A late fee, if any, under IC 33-37-5-22.
- (9) A public defense administration fee under IC 33-37-5-21.2.
- (10) A judicial insurance adjustment fee under IC 33-37-5-25.
- (11) A judicial salaries fee under IC 33-37-5-26.
- (12) A court administration fee under IC 33-37-5-27.
- (13) Before July 1, 2022, a pro bono legal services fee under IC 33-37-5-31.

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number."

Page 64, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 77. IC 36-3-5-8, AS AMENDED BY P.L.125-2018, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) This section applies whenever a special taxing district of the consolidated city has the power to issue bonds, notes, or warrants.

(b) Before any bonds, notes, or warrants of a special taxing district may be issued, the issue must be approved by resolution of the legislative body of the consolidated city.

(c) Any bonds of a special taxing district must be issued in the manner prescribed by statute for that district, and the board of the department having jurisdiction over the district shall:

- (1) hold all required hearings;
- (2) adopt all necessary resolutions; and
- (3) appropriate the proceeds of the bonds;

in that manner. However, the legislative body shall levy each year the special tax required to pay the principal of and interest on the bonds and any bank paying charges.

(d) Notwithstanding any other statute, bonds of a special taxing district may:

- (1) be dated;
- (2) be issued in any denomination;
- (3) except as otherwise provided by IC 5-1-14-10, mature at any time or times not exceeding fifty (50) years after their date; and
- (4) be payable at any bank or banks;

as determined by the board. If the bonds are sold at a public sale, the interest rate or rates that the bonds will bear must be determined by bidding, notwithstanding IC 5-1-11-3.

(e) Bonds of a special taxing district are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to the following:

- (1) The filing of a petition requesting the issuance of bonds and giving notice of the petition.
- (2) The giving of notice of a hearing on the appropriation of the proceeds of bonds.
- (3) The right of taxpayers to appear and be heard on the proposed appropriation.
- (4) The approval of the appropriation by the department of local government finance.
- (5) The right of:
  - (A) taxpayers and voters to remonstrate against the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or
  - (B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a).
- (6) The sale of bonds at a public sale or at a negotiated sale. ~~after June 30, 2018, and before July 1, 2021.~~
- (7) The maximum term or repayment period provided by IC 5-1-14-10."

Page 68, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 81. IC 36-7-3-13, AS AMENDED BY P.L.126-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) A remonstrance or objection permitted by section 12 of this chapter may be filed or raised by any person aggrieved by the proposed vacation, but only on one (1) or more of the following grounds:

- (1) The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- (2) The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- (3) The vacation would hinder the public's access to a church, school, or other public building or place.
- (4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

**(b) If a remonstrance or objection is filed or raised by an aggrieved person under subsection (a)(2) and:**

- (1) the lands of the aggrieved person do not abut any other public way other than the public way to which the vacation petition applies; or**
- (2) the vacation of the public way would cause the lands of the aggrieved person to become landlocked with no other convenient or reasonable means of ingress or egress via another public way;**

**the appropriate legislative body shall deny the petition to vacate the public way.**

SECTION 82. IC 36-7-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. After the termination of a vacation proceeding under this chapter, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years, **or in the case of a petition denied under section 13(b) of this chapter, seven (7) years."**

Page 86, line 33, delete "Notwithstanding" and insert **"(a) This section does not apply to a parcel that is included in more than one (1) allocation area as of January 1, 2021.**

**(b) Except as provided in subsection (a), but notwithstanding"**

Page 86, after line 42, begin a new paragraph and insert:

"SECTION 88. IC 36-7-14-58 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS



FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 58. (a) This section applies only to the city of Jeffersonville.**

**(b) Notwithstanding any other law, the fiscal body of the city of Jeffersonville may adopt a resolution to make, before December 31, 2021, a one (1) time transfer from the fund in which property tax revenues that are collected in the tax increment financing district established in the city are deposited to the city's general fund in an amount that may not exceed the amount by which the city's 2021 budget was reduced by the department of local government finance.**

**(c) If a resolution described in subsection (b) is adopted, the treasurer of the redevelopment commission shall transfer the amount specified in the resolution to the city's general fund.**

**(d) A transfer under this section is a temporary, one (1) time increase to the city's annual budget, and may not be considered in calculating any budget growth for 2022 and thereafter."**

Page 87, line 3, delete "Notwithstanding" and insert **"(a) This section does not apply to a parcel that is included in more than one (1) allocation area as of January 1, 2021.**

**(b) Except as provided in subsection (a), but notwithstanding"**

Page 87, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 90. IC 36-7-18-31, AS AMENDED BY P.L.125-2018, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 31. (a) Issues of bonds, notes, or warrants of a housing authority must be approved by the fiscal body of the unit after a public hearing, with notice of the time, place, and purpose of the hearing given by publication in accordance with IC 5-3-1. The bonds, notes, or warrants must then be authorized by resolution of the authority.

**(b) After the bonds, notes, or warrants have been approved under subsection (a), they may be issued in one (1) or more series, with the:**

- (1) dates;
- (2) maturities;
- (3) denominations;
- (4) form, either coupon or registered;
- (5) conversion or registration privileges;
- (6) rank or priority;
- (7) manner of execution;
- (8) medium of payment;
- (9) places of payment; and
- (10) terms of redemption, with or without premium;

provided by the resolution or its trust indenture or mortgage.

**(c) The bonds, notes, or warrants shall be sold at a public sale under IC 5-1-11, for not less than par value, after notice published in accordance with IC 5-3-1. However, they may be sold at not less than par value to the federal government:**

- (1) at private sale without any public advertisement; or
- (2) alternatively, at a negotiated sale. ~~after July 1, 2018, and before June 30, 2021, in the case of a housing authority of:~~

~~(A) a consolidated city; or~~

~~(B) a second class city.~~

**(d) If any of the commissioners or officers of the housing authority whose signatures appear on any bonds, notes, or warrants or coupons cease to be commissioners or officers before the delivery, exchange, or substitution of the bonds, notes, or warrants, their signatures remain valid and sufficient for all purposes, as if they had remained in office until the delivery, exchange, or substitution.**

**(e) Subject to provision for registration and notwithstanding any other law, any bonds, notes, or warrants issued under this chapter are fully negotiable.**

**(f) In any proceedings involving the validity or enforceability of any bond, note, or warrant of a housing authority or of its**

security, if the instrument states that it has been issued by the authority to aid in financing a housing project to provide dwelling accommodations for persons of low income, it shall be conclusively presumed to have been issued for that purpose and the project shall be conclusively presumed to have been planned, located, and constructed in accordance with this chapter."

Page 87, line 15, delete "Notwithstanding" and insert **"(a) This section does not apply to a parcel that is included in more than one (1) allocation area as of January 1, 2021.**

**(b) Except as provided in subsection (a), but notwithstanding"**

Page 87, line 27, delete "Notwithstanding" and insert **"(a) This section does not apply to a parcel that is included in more than one (1) allocation area as of January 1, 2021.**

**(b) Except as provided in subsection (a), but notwithstanding"**

Page 87, line 39, delete "Notwithstanding" and insert **"(a) This section does not apply to a parcel that is included in more than one (1) allocation area as of January 1, 2021.**

**(b) Except as provided in subsection (a), but notwithstanding"**

Page 94, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 100. IC 36-10-3-24, AS AMENDED BY P.L.125-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 24. (a) In order to raise money to pay for land to be acquired for any of the purposes named in this chapter, to pay for an improvement authorized by this chapter, or both, and in anticipation of the special benefit tax to be levied as provided in this chapter, the board shall cause to be issued, in the name of the unit, the bonds of the district. The bonds may not exceed in amount the total cost of all land to be acquired and all improvements described in the resolution, including all expenses necessarily incurred in connection with the proceedings, together with a sum sufficient to pay the costs of supervision and inspection during the period of construction of a work. The expenses to be covered in the bond issue include all expenses of every kind actually incurred preliminary to acquiring the land and the construction of the work, such as the cost of the necessary record, engineering expenses, publication of notices, preparation of bonds, and other necessary expenses. If more than one (1) resolution or proceeding of the board under section 23 of this chapter is confirmed whereby different parcels of land are to be acquired, or more than one (1) contract for work is let by the board at approximately the same time, the cost involved under all of the resolutions and proceedings may be included in one (1) issue of bonds.

**(b) The bonds may be issued in any denomination not less than one thousand dollars (\$1,000) each, in not less than five (5) nor more than forty (40) annual series. The bonds are payable one (1) series each year, beginning at a date after the receipt of taxes from a levy made for that purpose. The bonds are negotiable. The bonds may bear interest at any rate, payable semiannually. After adopting a resolution ordering bonds, the board shall certify a copy of the resolution to the unit's fiscal officer. The fiscal officer shall prepare the bonds, and the unit's executive shall execute them, attested by the fiscal officer.**

**(c) The bonds and the interest on them are exempt from taxation as prescribed by IC 6-8-5-1. Bonds issued under this section are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to:**

- (1) the filing of a petition requesting the issuance of bonds;
- (2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or

(B) voters to vote on the issuance of bonds in the case



of a proposed bond issue described by IC 6-1.1-20-3.5(a);

(3) the appropriation of the proceeds of the bonds and approval by the department of local government finance; and

(4) the sale of bonds at:

(A) a public sale for not less than their par value; or

(B) a negotiated sale. ~~after June 30, 2018, and before July 1, 2021, in the case of a board of a district in:~~

~~(i) a consolidated city; or~~

~~(ii) a second class city.~~

(d) The board may not have bonds of the district issued under this section that are payable by special taxation when the total issue for that purpose, including the bonds already issued or to be issued, exceeds two percent (2%) of the adjusted value of the taxable property in the district as determined under IC 36-1-15. All bonds or obligations issued in violation of this subsection are void. The bonds are not obligations or indebtedness of the unit, but constitute an indebtedness of the district as a special taxing district. The bonds and interest are payable only out of a special tax levied upon all the property of the district as prescribed by this chapter. The bonds must recite the terms upon their face, together with the purposes for which they are issued.

SECTION 101. IC 36-10-8-16, AS AMENDED BY P.L.125-2018, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) A capital improvement may be financed in whole or in part by the issuance of general obligation bonds of the county or, if the board was created under IC 18-7-18 (before its repeal on February 24, 1982), also of the city, if the board determines that the estimated annual net income of the capital improvement, plus the estimated annual tax revenues to be derived from any tax revenues made available for this purpose, will not be sufficient to satisfy and pay the principal of and interest on all bonds issued under this chapter, including the bonds then proposed to be issued.

(b) If the board desires to finance a capital improvement in whole or in part as provided in this section, it shall have prepared a resolution to be adopted by the county executive authorizing the issuance of general obligation bonds, or, if the board was created under IC 18-7-18 (before its repeal on February 24, 1982), by the fiscal body of the city authorizing the issuance of general obligation bonds. The resolution must set forth an itemization of the funds and assets received by the board, together with the board's valuation and certification of the cost. The resolution must state the date or dates on which the principal of the bonds is payable, the maximum interest rate to be paid, and the other terms upon which the bonds shall be issued. The board shall submit the proposed resolution to the proper officers, together with a certificate to the effect that the issuance of bonds in accordance with the resolution will be in compliance with this section. The certificate must also state the estimated annual net income of the capital improvement to be financed by the bonds, the estimated annual tax revenues, and the maximum amount payable in any year as principal and interest on the bonds issued under this chapter, including the bonds proposed to be issued, at the maximum interest rate set forth in the resolution. The bonds issued may mature over a period not exceeding forty (40) years from the date of issue.

(c) Upon receipt of the resolution and certificate, the proper officers may adopt them and take all action necessary to issue the bonds in accordance with the resolution. An action to contest the validity of bonds issued under this section and sold at a public sale may not be brought after the fifteenth day following the receipt of bids for the bonds.

(d) The provisions of all general statutes relating to:

(1) the filing of a petition requesting the issuance of bonds and giving notice;

(2) the right of:

(A) taxpayers and voters to remonstrate against the

issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or

(B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);

(3) the giving of notice of the determination to issue bonds;

(4) the giving of notice of a hearing on the appropriation of the proceeds of bonds;

(5) the right of taxpayers to appear and be heard on the proposed appropriation;

(6) the approval of the appropriation by the department of local government finance; and

(7) the sale of bonds at a public sale or at a negotiated sale; ~~after June 30, 2018, and before July 1, 2021;~~

apply to the issuance of bonds under this section.

SECTION 102. IC 36-10-9-15, AS AMENDED BY P.L.125-2018, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) A capital improvement may be financed in whole or in part by the issuance of general obligation bonds of the county.

(b) If the board desires to finance a capital improvement in whole or in part as provided in this section, it shall have prepared a resolution to be adopted by the board of commissioners of the county authorizing the issuance of general obligation bonds. The resolution must state the date or dates on which the principal of the bonds is payable, the maximum interest rate to be paid, and the other terms upon which the bonds shall be issued. The board shall submit the proposed resolution to the city-county legislative body for approval under IC 36-3-6-9, together with a certificate to the effect that the issuance of bonds in accordance with the resolution will be in compliance with this section. The certificate must also state the estimated annual net income of the capital improvement to be financed by the bonds, the estimated annual tax revenues, and the maximum amount payable in any year as principal and interest on the bonds issued under this chapter, including the bonds proposed to be issued, at the maximum interest rate set forth in the resolution. The bonds issued may mature over a period not exceeding forty (40) years from the date of issue.

(c) If the city-county legislative body approves the issuance of bonds under IC 36-3-6-9, the board shall submit the resolution to the executive of the consolidated city, who shall review the resolution. If the executive approves the resolution, the board shall take all action necessary to issue the bonds in accordance with the resolution. An action to contest the validity of bonds issued under this section and sold at a public sale may not be brought after the fifteenth day following the receipt of bids for the bonds.

(d) The provisions of all general statutes relating to:

(1) the filing of a petition requesting the issuance of bonds and giving notice;

(2) the right of:

(A) taxpayers and voters to remonstrate against the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or

(B) voters to vote on the issuance of bonds in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);

(3) the giving of notice of the determination to issue bonds;

(4) the giving of notice of a hearing on the appropriation of the proceeds of bonds;

(5) the right of taxpayers to appear and be heard on the proposed appropriation;

(6) the approval of the appropriation by the department of local government finance; and

(7) the sale of bonds at a public sale for not less than par value or at a negotiated sale; ~~after June 30, 2018, and before July 1, 2021;~~

are applicable to the issuance of bonds under this section."

Page 95, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 104. IC 36-10-10-20, AS AMENDED BY P.L.125-2018, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 20. (a) The bonds shall be executed by the president of the board, and the corporate seal of the authority shall be affixed and attested by the secretary of the board. The interest coupons attached to the bonds shall be executed by placing the facsimile signature of the treasurer on them. The bonds shall be sold by the board:

- (1) at a public sale for not less than the par value; or
- (2) alternatively, at a negotiated sale. ~~after June 30, 2018, and before July 1, 2021.~~

Notice of sale shall be published in accordance with IC 5-3-1.

(b) If the bonds are sold at a public sale, the board shall award the bonds to the highest bidder as determined by computing the total interest on the bonds from the date of issue to the dates of maturity and deducting the premium bid, if any, unless the board determines that no acceptable bid has been received. In that case the sale may be continued from day to day, not to exceed thirty (30) days. A bid may not be accepted that is lower than the highest bid received at the time fixed for sale in the bond sale notice.

(c) Any premium received from the sale of the bonds shall be used solely for the payment of principal and interest on the bonds. The board may also issue refunding bonds under IC 5-1-5."

Page 96, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 106. IC 36-10-11-21, AS AMENDED BY P.L.125-2018, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 21. (a) The bonds shall be executed by the president of the board, and the corporate seal of the authority shall be affixed and attested by the secretary of the board. The interest coupons attached to the bonds shall be executed by placing the facsimile signature of the treasurer on them. The bonds shall be sold by the board:

- (1) at public sale for not less than the par value; or
- (2) alternatively, at a negotiated sale. ~~after June 30, 2018, and before July 1, 2021.~~

Notice of sale shall be published in accordance with IC 5-3-1.

(b) If the bonds are sold at a public sale, the board shall award the bonds to the highest bidder as determined by computing the total interest on the bonds from the date of issue to the dates of maturity and deducting the premium bid, if any. If the bonds are not sold on the date fixed for the sale, the sale may be continued from day to day until a satisfactory bid has been received.

(c) Any premium received from the sale of the bonds shall be used solely for the payment of principal and interest on the bonds.

(d) Before the preparation of definitive bonds, temporary bonds may under like restrictions be issued with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. The total amount of bonds issued by the authority under this section, when added to any loan or loans negotiated under section 22 of this chapter, may not exceed three million dollars (\$3,000,000)."

Page 97, after line 16, begin a new paragraph and insert:

"SECTION 108. [EFFECTIVE JANUARY 1, 2016 (RETROACTIVE)] (a) **This SECTION applies notwithstanding IC 6-1.1-10, IC 6-1.1-11, or any other law or administrative rule or provision.**

(b) **This SECTION applies to an assessment date occurring after December 31, 2015, and before January 1, 2021.**

(c) **As used in this SECTION, "eligible property" means real property:**

- (1) **on which property taxes were imposed for the 2016,**

**2017, 2018, 2019, and 2020 assessment dates; and**  
 (2) **that would have been eligible for an exemption from property taxation under IC 6-1.1-10-16 for the 2016, 2017, 2018, 2019, and 2020 assessment dates if an exemption application had been properly and timely filed under IC 6-1.1 for the real property.**

(d) **As used in this SECTION, "qualified taxpayer" refers to a nonprofit organization that was incorporated on April 5, 1999, whose articles of incorporation were amended on April 26, 2017, and that owns eligible property.**

(e) **A qualified taxpayer may, before September 1, 2021, file a property tax exemption application and supporting documents claiming a property tax exemption under IC 6-1.1-10-16 for any assessment date described in subsection (b).**

(f) **A property tax exemption application filed under subsection (e) by a qualified taxpayer is considered to have been properly and timely filed.**

(g) **If a qualified taxpayer files the property tax exemption applications under subsection (e), the following apply:**

(1) **The property tax exemption for the eligible property is allowed and granted for the 2016, 2017, 2018, 2019, and 2020 assessment dates by the county assessor and county auditor of the county in which the eligible property is located.**

(2) **The qualified taxpayer is not required to pay any property taxes, penalties, interest, or tax sale reimbursement expenses with respect to the eligible property exempted under this SECTION for the 2016, 2017, 2018, 2019, and 2020 assessment dates.**

(3) **If the eligible property was placed on the list certified under IC 6-1.1-24-1 or IC 6-1.1-24-1.5 or was otherwise subject to a tax sale under IC 6-1.1-24 and IC 6-1.1-25 because one (1) or more installments of property taxes due for the eligible property for the 2016, 2017, 2018, 2019, and 2020 assessment dates were not timely paid:**

(A) **the county auditor shall remove the eligible property from the list certified under IC 6-1.1-24-1 or IC 6-1.1-24-1.5; and**

(B) **a tax deed may not be issued under IC 6-1.1-25 for the eligible property for any tax sale of the eligible property under IC 6-1.1-24 and IC 6-1.1-25 that was held because one (1) or more installments of property taxes due for the eligible property for the 2016, 2017, 2018, 2019, and 2020 assessment dates were not timely paid.**

(h) **A taxpayer is entitled to the exemption from real property tax as claimed on a property tax exemption application filed under this SECTION, regardless of whether:**

(1) **a property tax exemption application was previously filed for the same or similar property for the assessment date;**

(2) **the county property tax assessment board of appeals has issued a final determination regarding any previously filed property tax exemption application for the assessment date;**

(3) **the taxpayer appealed any denial of a previously filed property tax exemption application for the assessment date; or**

(4) **the records of the county in which the property subject to the property tax exemption application is located identified the taxpayer as the owner of the property on the assessment date described in subsection (b) for which the property tax exemption is claimed.**

(i) **The exemption allowed by this SECTION shall be applied and considered approved without the need for any further ruling or action by the county assessor, the county**

auditor, or the county property tax assessment board of appeals of the county in which the eligible property is located or by the Indiana board of tax review. The exemption approval is final and may not be appealed by the county assessor, the county property tax assessment board of appeals, or any member of the county property tax assessment board of appeals.

(j) To the extent the qualified taxpayer has paid any property taxes, penalties, or interest with respect to the eligible property for the 2016, 2017, 2018, 2019, and 2020 assessment dates, the eligible taxpayer is entitled to a refund of the amounts paid. Notwithstanding the filing deadlines for a claim in IC 6-1.1-26, any claim for a refund filed by an eligible taxpayer under this subsection before September 1, 2021, is considered timely filed. The county auditor shall pay the refund due under this SECTION in one (1) installment.

(k) This SECTION expires July 1, 2024.

SECTION 109. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1271 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 1.

BROWN T, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1283, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1283 as introduced.)

Committee Vote: Yeas 11, Nays 0.

LEHE, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1293, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 23, delete "order requiring the state to disclose to the defendant" and insert **"discovery order claimed to violate a court rule, statute, or case law."**

Page 2, delete line 24.

(Reference is to HB 1293 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

MCNAMARA, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1313, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-32-4-14, AS ADDED BY P.L.192-2018, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The state board shall create an alternate diploma for students with significant cognitive disabilities. The diploma must be:

(1) standards-based; and

(2) aligned with Indiana's requirements for an Indiana

diploma.

(b) Not more than one percent (1%) of students of a cohort may receive the alternate diploma established by the state board under subsection (a).

(c) The alternate diploma must comply with the federal Every Student Succeeds Act (ESSA) (20 U.S.C. 6311).

(d) **Not later than December 1, 2021**, the state board shall adopt rules under IC 4-22-2 that are necessary to carry out this section."

Renumber all SECTIONS consecutively.

(Reference is to HB 1313 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1328, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "if the requirements of" and insert **"if: (1) the property owner requests a subdivision exemption; and (2) the requirements of this section are met."**

Page 1, delete line 5.

Page 2, line 13, delete "one and one-half (1 1/2) acres" and insert **"one (1) acre"**.

(Reference is to HB 1328 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

MAY, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1337, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 12, delete "amendments" and insert **"amendment"**.

Page 2, line 12, delete "sections 918.2, 918.3, 918.6, 923," and insert **"section 918.6"**.

Page 2, line 13, delete "and 1003".

Page 2, line 13, delete "do" and insert **"does"**.

Page 2, line 14, delete "special exception or special use" and insert **"special exception, special use, or use variance"**.

Page 2, delete lines 18 through 42, begin a new paragraph and insert:

"SECTION 2. IC 36-7-4-918.6, AS AMENDED BY P.L.10-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 918.6. (a) This section applies to the following:

(1) A municipality in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) A county ~~having a population of more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000):~~ **that has an area plan commission.**

(b) ADVISORY—AREA. Notwithstanding sections 918.2, 918.4, and 918.5 of this chapter, a zoning or subdivision control ordinance shall require that the board of zoning appeals submit any of the following petitions to the legislative body for approval or disapproval:

(1) Special exceptions.

(2) Special uses.

(3) Use variances.

(c) **ADVISORY—AREA.** The board of zoning appeals shall file a petition under this section with the clerk of the legislative body with:

(1) a favorable recommendation;

(2) an unfavorable recommendation; or

(3) no recommendation.

(d) **ADVISORY—AREA.** The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the petition at its first regular meeting after the board of zoning appeals files its recommendation.

(e) **ADVISORY—AREA.** A petition is granted or denied when the legislative body votes on the petition as follows:

(1) In a county described in subsection (a)(1), the legislative body shall vote on the petition within ninety (90) days after the board of zoning appeals makes its recommendation. If the legislative body does not vote to deny the petition within ninety (90) days, the petition is considered approved.

(2) In a county described in subsection (a)(2), the legislative body shall vote on the petition within sixty (60) days after the board of zoning appeals makes its recommendations. If the legislative body does not vote to deny the petition within sixty (60) days, the petition is approved.

(f) **ADVISORY—AREA.** If the legislative body approves a petition, it must make the determination in writing as required under section 918.2, 918.4, or 918.5 of this chapter or as required by the zoning ordinance.

**SECTION 3.** IC 36-7-4-1103, AS AMENDED BY P.L.154-2020, SECTION 46, AND P.L.164-2020, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1103. (a) **ADVISORY—AREA.** For purposes of this section, urban areas include all lands and lots within the corporate boundaries of a municipality, any other lands or lots used for residential purposes where there are at least eight (8) residences within any quarter mile square area, and other lands or lots that have been or are planned for residential areas contiguous to the municipality.

(b) **ADVISORY—AREA.** This chapter does not authorize an ordinance or action of a plan commission that would prevent, outside of urban areas, the complete use and alienation of any mineral resources ~~or forests~~ by the owner or alienee of them.

(c) **AREA.** ~~This chapter does not authorize an ordinance or action of a plan commission that would prevent, outside of urban areas, the complete use and alienation of any forests by the owner or alienee of them.~~

(d) **ADVISORY.** ~~This chapter does not authorize an ordinance or action of a plan commission that would prevent:~~

(1) ~~the complete use and alienation of any forests outside the corporate boundaries of a municipality by the owner or alienee of the forests; or~~

(2) ~~an agricultural use on property outside the corporate boundaries of a municipality."~~

Delete pages 3 through 6.

Page 7, delete lines 1 and 2, begin a new paragraph and insert:

**"SECTION 4. [EFFECTIVE JULY 1, 2021] (a) The legislative services agency shall prepare legislation for introduction in the 2022 regular session of the general assembly to organize and correct statutes relating to the transfer of responsibilities from an area board of zoning appeals to a legislative body under IC 36-7-4-918.6, as amended by this act.**

**(b) This SECTION expires July 1, 2023."**

(Reference is to HB 1337 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

ZENT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1348, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 13, after "assessed at" insert **"an amount that does not exceed"**.

Page 4, between lines 14 and 15, begin a new paragraph and insert:

**"(d) Land used for the generation of solar power is considered nonresidential real property subject to the three percent (3%) cap under IC 6-1.1-20.6-7.5(a)(5) for purposes of calculating a person's credit under IC 6-1.1-20.6-7.5.**

**(e) This subsection applies to a utility grade solar energy installation facility:**

**(1) that had the land portion of its fixed property assessed and valued on January 1, 2021, for property taxes first due and payable in 2022; and**

**(2) for assessment dates after December 31, 2021, but only until the next planned reassessment of the property during the county's four (4) year reassessment cycle under IC 6-1.1-4-4.2.**

**If, for an assessment date described in subdivision (2), the assessed value of the land portion of the fixed property of a utility grade solar energy installation facility described in this subsection for the January 1, 2021, assessment date is less than the solar land base rate for the region in which the property is located on a particular assessment date, the land portion of the fixed property of a utility grade solar energy installation facility shall be assessed at an amount equal to the assessed value determined for the January 1, 2021, assessment date."**

(Reference is to HB 1348 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 1.

BROWN T, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1356, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1356 as printed February 1, 2021.)

Committee Vote: Yeas 21, Nays 0.

BROWN T, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1367, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 12 through 14, begin a new paragraph and insert:

**"(b) A disannexation under the pilot program may be initiated under section 9 of this chapter only by the:**

**(1) governing body of the John Glenn School Corporation; or**

**(2) Clarksville Community School Corporation.**

**Sec. 1. (a) This subsection applies to a disannexation**

initiated by the governing body of the John Glenn School Corporation."

Page 1, line 15, delete "Sec. 1. (a)".

Page 1, run in lines 14 through 15.

Page 2, between lines 11 and 12, begin a new paragraph and insert:

**"(b) This subsection applies to a disannexation initiated by the governing body of the Clarksville Community School Corporation. Notwithstanding IC 36-1-11, the Clarksville school corporation may purchase a school building located in the territory subject to the disannexation under this chapter. The disposing agent, as defined in IC 36-1-11-2(2), for the Greater Clark County School Corporation shall first have the property appraised by two (2) appraisers. The appraisers must be:**

**(1) professionally engaged in making appraisals;**

**(2) licensed under IC 25-34.1; or**

**(3) employees of the political subdivision familiar with the value of the property.**

**If the Clarksville Community School Corporation requests to purchase a school building located in the territory that is subject to the disannexation under this chapter, the Greater Clark County School Corporation may sell the school building to the Clarksville Community School Corporation for an amount not more than the average of the two (2) appraisals required under this subsection."**

Page 2, line 12, delete "(b) This" and insert **"(c) Subject to subsection (d), this"**.

Page 2, between lines 13 and 14, begin a new paragraph and insert:

**"(d) Territory annexed to an acquiring school corporation under this chapter may not be subsequently annexed to another school corporation for a period of twenty (20) years from the date a disannexation becomes effective under section 14(a) of this chapter."**

Page 2, delete lines 40 through 41, begin a new paragraph and insert:

**"Sec. 7. As used in this chapter, "territory" means:**

**(1) for a disannexation initiated by the John Glenn School Corporation, the entire territory of Greene Township; or**

**(2) for a disannexation initiated by the Clarksville Community School Corporation, a noncontiguous attendance area controlled by the Greater Clark County School Corporation which is surrounded by the attendance area of the Clarksville Community School Corporation."**

Page 3, delete lines 3 through 9, begin a new paragraph and insert:

**"Sec. 9. (a) Subject to approval of a plan described in subsection (c) and section 0.5(b) of this chapter, a disannexation may be initiated by the adoption of a resolution:**

**(1) for a territory described in section 7(1) of this chapter, the governing body of the John Glenn School Corporation; or**

**(2) for a territory described in section 7(2) of this chapter, the Clarksville Community School Corporation."**

Page 3, line 41, delete "10(a)(4)" and insert **"10(a)(5)"**.

Page 4, line 4, after "board." insert **"The school corporation initiating the disannexation shall provide to the relinquishing school corporation a copy of the resolution and the plan for the organization of the acquiring school corporation."**

Page 4, line 7, delete "and approve each plan that" and insert **"to determine whether the plan"**.

Page 4, between lines 20 and 21, begin a new line block indented and insert:

**"(3) receive and consider a fiscal analysis of the impact**

**of the proposed disannexation of the territory submitted by the relinquishing school corporation;"**.

Page 4, line 21, delete "(3)" and insert **"(4)"**.

Page 4, line 24, delete "affected territory" and insert **"acquiring school corporation and relinquishing school corporation"**.

Page 4, line 25, delete "(4)" and insert **"(5)"**.

Page 4, delete lines 28 through 31, begin a new line double block indented and insert:

**"(B) notify in writing, by certified mail with return receipt requested, the:**

**(i) acquiring school corporation; and**

**(ii) relinquishing school corporation."**

Page 4, line 37, delete "fiscal body of the township." and insert **"relinquishing school corporation."**

Page 4, line 39, delete "10(a)(4)" and insert **"10(a)(5)"**.

Page 4, line 39, delete "and fiscal".

Page 4, line 40, delete "body of the township proposed to be disannexed".

Page 7, line 11, delete "the majority" and insert **"at least sixty percent (60%)"**.

(Reference is to HB 1367 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 4.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities, Energy and Telecommunications, to which was referred House Bill 1381, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 10, delete "The standards set forth in sections 10 through 13" and insert **"Except as provided in subsection (d), the standards set forth in sections 10 through 14"**.

Page 4, line 40, delete "not inconsistent with:" and insert **"not:**

**(A) more restrictive than this chapter; or**

**(B) inconsistent with IC 36-7-5.3."**

Page 4, delete lines 41 through 42, begin a new paragraph and insert:

**"(d) A unit may:**

**(1) adopt and enforce a wind power regulation that includes standards that:**

**(A) concern the construction, installation, siting, modification, operation, or decommissioning of wind power devices in the unit; and**

**(B) are less restrictive than the standards set forth in this chapter; or**

**(2) waive or make less restrictive any standard set forth in:**

**(A) this chapter; or**

**(B) a wind power regulation adopted by the unit in compliance with IC 36-1-3-8.7(f)(3);**

**with respect to any one (1) wind power device, subject to the consent of each owner of property on which, or adjacent to where, the particular wind power device will be located."**

Page 5, line 1, delete "(d)," and insert **"(f),"**.

Page 5, line 9, after "road," insert **"or"**.

Page 5, delete lines 11 through 13.

Page 5, line 18, delete "(d)," and insert **"(f),"**.

Page 5, line 24, delete "two (2)" and insert **"three (3)"**.

Page 5, between lines 25 and 26, begin a new paragraph and insert:

**"(c) Except as otherwise allowed by IC 36-7-4-1109, a project owner may not install or locate a wind power device on property in a unit unless the distance, measured as a**

straight line, from the vertical centerline of the base of the wind power device to the nearest edge of the right-of-way for any utility transmission or distribution line is equal to a distance that is at least one and two-tenths (1.2) times the wind power device's blade tip height, as measured from the ground to the tip of the blade.

(d) Except as otherwise allowed by IC 36-7-4-1109, a project owner may not install or locate a wind power device on property in a unit unless the distance, measured as a straight line, from the vertical centerline of the base of the wind power device to the property line of any undeveloped land within the unit that is zoned or platted for residential use is equal to a distance that is at least two (2) times the wind power device's blade tip height, as measured from the ground to the tip of the blade."

Page 5, line 26, delete "(c)" and insert "(e)".

Page 5, line 33, delete "(d)" and insert "(f)".

Page 5, line 33, delete "(a)" and insert "(a)(2)".

Page 6, line 5, after "any" insert "dwelling on a".

Page 6, line 12, after "affected" insert "dwelling on a".

Page 6, between lines 17 and 18, begin a new paragraph and insert:

"Sec. 12. Except as otherwise allowed by IC 36-7-4-1109, a wind power device installed in a unit must not interfere with:

- (1) television signals;
- (2) microwave signals;
- (3) agricultural global positioning systems;
- (4) military defense radar; or
- (5) radio reception."

Page 6, line 18, delete "12." and insert "13."

Page 6, line 29, delete "13." and insert "14."

Page 8, line 37, delete "that captures and" and insert "that:

- (1) has a nameplate capacity of at least ten (10) megawatts; and
- (2) captures and converts solar energy into electricity:
  - (A) for the purpose of selling the electricity at wholesale; and
  - (B) for use in locations other than where it is generated."

Page 8, delete lines 38 through 40.

Page 11, line 1, delete "The" and insert "Except as provided in subsection (d), the".

Page 11, line 31, delete "not inconsistent with:" and insert "not:

- (A) more restrictive than this chapter; or
- (B) inconsistent with IC 36-7-5.4."

Page 11, delete lines 32 through 33, begin a new paragraph and insert:

"(d) A unit may:

- (1) adopt and enforce a commercial solar regulation that includes standards that:
  - (A) concern the construction, installation, siting, modification, operation, or decommissioning of CSE systems in the unit; and
  - (B) are less restrictive than the standards set forth in this chapter; or
- (2) waive or make less restrictive any standard set forth in:
  - (A) this chapter; or
  - (B) a commercial solar regulation adopted by the unit in compliance with IC 36-1-3-8.8(f)(3);
 with respect to any one (1) CSE system, subject to the consent of each owner of property on which, or adjacent to where, the particular CSE system will be located."

Page 11, line 39, delete "centerline of" and insert "nearest edge of the right-of-way for".

Page 12, line 26, delete "twenty (20)" and insert "twenty-five (25)".

Page 13, line 6, delete "encouraged but is not required." and insert "encouraged."

Page 13, line 13, delete "cables between banks" and insert "all cables of up to thirty-four and one-half (34.5) kilovolts that are located between inverter locations and project substations shall be located and maintained underground. Other solar infrastructure, such as module-to-module collection cables, transmission lines, substations, junction boxes, and other typical aboveground infrastructure may be located and maintained above ground. Buried cables shall be".

Page 13, delete lines 14 through 16.

Page 13, line 17, delete "shall be buried underground".

Page 13, run in lines 13 through 17.

Page 20, line 37, delete "that captures and converts solar" and insert "that:

- (1) has a nameplate capacity of at least ten (10) megawatts; and
- (2) captures and converts solar energy into electricity:
  - (A) for the purpose of selling the electricity at wholesale; and
  - (B) for use in locations other than where it is generated."

Page 20, delete lines 38 through 40.

Page 21, line 23, delete "CSE system" and insert "commercial solar".

Page 26, delete lines 38 through 40, begin a new line double block indented and insert:

- (C) political subdivisions in which, or adjacent to where, the project will be located; and
- (D) owners of property on which, or adjacent to where, the project will be located;".

Page 29, line 30, delete "or".

Page 29, delete lines 31 through 32, begin a new line block indented and insert:

- (2) an interested party described in section 9(a)(10)(C) through 9(a)(10)(D) of this chapter; or
- (3) at least twenty-five (25) residents of the unit represented by an attorney licensed to practice law in Indiana;".

Page 29, line 37, delete "notify the permit authority of the filing of a petition; and" and insert "provide notice of the filing of a petition to:

- (A) the permit authority; and
- (B) the project owner, if the project owner is not the petitioner; and".

Page 29, line 41, delete "owner, if the project owner is not the" and insert "owner; and".

Page 29, delete line 42.

Page 30, line 1, delete "any other" and insert "an".

Page 30, line 2, delete "9(a)(10)(B)" and insert "9(a)(10)(C)".

Page 30, line 9, delete "ninety (90)" and insert "one hundred fifty (150)".

Page 30, line 32, delete "may:" and insert "may affirm, vacate, or modify the permit authority's decision as the public convenience and necessity may require.

(f) In the commission's order under subsection (c), the commission shall not consider:

- (1) the reasonableness of the default standards set forth in IC 8-1-41; or
- (2) relief regarding:
  - (A) asserted effects on health;
  - (B) asserted effects on aesthetics;
  - (C) asserted effects on property values; or
  - (D) any other requested relief distinct from the factors set forth in subsection (d)."

Page 30, delete lines 33 through 36.

Page 30, line 37, delete "(f)" and insert "(g)".

Page 30, line 39, delete "before or".

Page 31, line 1, delete "9(a)(10)(B)" and insert **"9(a)(10)(C)"**.

Page 31, line 33, delete "section is not resolved within the" and insert **"section:**

**(1) is filed by a party described in section 11(a)(2) or 11(a)(3) of this chapter; and**

**(2) is not resolved within the forty-five (45) day period set forth in subsection (b)(3)(A);**

**the complainant may file with the commission a petition requesting a review of the complaint. A petition for review under this subsection must be filed not later than sixty (60) days after the date of the filing of the complaint with the project owner under this section."**

Page 31, delete lines 34 through 36.

Page 32, line 9, after "complaint." insert **"The commission may issue an order under this subsection without a hearing."**

Page 32, line 10, delete "order must include the commission's findings as to" and insert **"resolution of the complaint is limited to the scope of the complaint regarding"**.

Page 32, between lines 25 and 26, begin a new paragraph and insert:

**"(g) In the commission's order under subsection (e), the commission shall not consider:**

**(1) the reasonableness of the default standards set forth in IC 8-1-41; or**

**(2) relief regarding:**

**(A) asserted effects on health;**

**(B) asserted effects on aesthetics;**

**(C) asserted effects on property values; or**

**(D) any other requested relief distinct from the factors set forth in subsection (e)."**

Page 32, line 26, delete "(g)" and insert **"(h)"**.

Page 33, line 21, delete "that captures and" and insert **"that:**

**(1) has a nameplate capacity of at least ten (10) megawatts; and**

**(2) captures and converts solar energy into electricity:**

**(A) for the purpose of selling the electricity at wholesale; and**

**(B) for use in locations other than where it is generated."**

Page 33, delete lines 22 through 24.

Page 37, delete lines 1 through 3, begin a new line double block indented and insert:

**"(C) political subdivisions in which, or adjacent to where, the project will be located; and**

**(D) owners of property on which, or adjacent to where, the project will be located;"**.

Page 39, line 35, delete "or".

Page 39, delete lines 36 through 37, begin a new line block indented and insert:

**"(2) an interested party described in section 9(a)(8)(C) through 9(a)(8)(D) of this chapter; or**

**(3) at least twenty-five (25) residents of the unit represented by an attorney licensed to practice law in Indiana;"**.

Page 39, line 42, delete "notify the permit authority of the filing of a petition; and" and insert **"provide notice of the filing of a petition to:**

**(A) the permit authority; and**

**(B) the project owner, if the project owner is not the petitioner; and"**.

Page 40, line 4, delete "owner, if the project owner is not the" and insert **"owner; and"**.

Page 40, delete line 5.

Page 40, line 6, delete "any other" and insert **"an"**.

Page 40, line 7, delete "9(a)(8)(B)" and insert **"9(a)(8)(C)"**.

Page 40, line 14, delete "ninety (90)" and insert **"one hundred fifty (150)"**.

Page 40, line 37, delete "may:" and insert **"may affirm,**

**vacate, or modify the permit authority's decision as the public convenience and necessity may require.**

**(f) In the commission's order under subsection (c), the commission shall not consider:**

**(1) the reasonableness of the default standards set forth in IC 8-1-42; or**

**(2) relief regarding:**

**(A) asserted effects on health;**

**(B) asserted effects on aesthetics;**

**(C) asserted effects on property values; or**

**(D) any other requested relief distinct from the factors set forth in subsection (d)."**

Page 40, delete lines 38 through 41.

Page 40, line 42, delete "(f)" and insert **"(g)"**.

Page 41, line 2, delete "before or".

Page 41, line 6, delete "9(a)(8)(B)" and insert **"9(a)(8)(C)"**.

Page 41, line 38, delete "section is not resolved within the" and insert **"section:**

**(1) is filed by a party described in section 11(a)(2) or 11(a)(3) of this chapter; and**

**(2) is not resolved within the forty-five (45) day period set forth in subsection (b)(3)(A);**

**the complainant may file with the commission a petition requesting a review of the complaint. A petition for review under this subsection must be filed not later than sixty (60) days after the date of the filing of the complaint with the project owner under this section."**

Page 41, delete lines 39 through 41.

Page 42, line 14, after "complaint." insert **"The commission may issue an order under this subsection without a hearing."**

Page 42, line 15, delete "order must include the commission's findings as to" and insert **"resolution of the complaint is limited to the scope of the complaint regarding"**.

Page 42, between lines 30 and 31, begin a new paragraph and insert:

**"(g) In the commission's order under subsection (e), the commission shall not consider:**

**(1) the reasonableness of the default standards set forth in IC 8-1-42; or**

**(2) relief regarding:**

**(A) asserted effects on health;**

**(B) asserted effects on aesthetics;**

**(C) asserted effects on property values; or**

**(D) any other requested relief distinct from the factors set forth in subsection (e)."**

Page 42, line 31, delete "(g)" and insert **"(h)"**.

(Reference is to HB 1381 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 1.

SOLIDAY, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1384, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 19 through 20, begin a new line double block indented and insert:

**"(D) Two (2) members who:**

**(i) are teachers; and**

**(ii) hold a teaching license in social studies, history, or government."**

Page 2, line 21, delete "(F)" and insert **"(E)"**.

Page 3, line 29, after "Sec. 7.3." insert **"(a)"**.

Page 3, between lines 34 and 35, begin a new paragraph and insert:

**"(b) The standards in effect on July 1, 2023, for a civics**



course described in subsection (a) may only be changed by the express authorization of the general assembly."

(Reference is to HB 1384 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1387, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 3 through 42, begin a new paragraph and insert:

"SECTION 2. IC 5-10.2-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

#### Chapter 13. Divestment of Investments in Chinese Companies

Sec. 1. As used in this chapter, "board" refers to the board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1.

Sec. 2. As used in this chapter, "divest" means a sale, redemption, replacement, or any other activity that terminates the investment.

Sec. 3. As used in this chapter, "fund" refers to any public pension and retirement funds of the system (as defined in IC 5-10.5-1-5).

Sec. 4. As used in this chapter, "investment" refers to any investment that the board or system is authorized to make under IC 5-10.5-5 or another law.

Sec. 5. As used in this chapter, "person" means an individual or entity.

Sec. 6. As used in this chapter, "prohibited investment" refers to an investment product that:

- (1) is managed by one (1) or more persons:
  - (A) that are not employed by the system; and
  - (B) in which the system on behalf of the fund owns investments together with investors other than the system; and
- (2) holds investments in a restricted entity.

Sec. 7. As used in this chapter, "restricted entity" refers to any business concern or entity:

- (1) for which an entity created in or organized under the laws of the People's Republic of China or the Special Administrative Region of Hong Kong, or that has significant operations in the People's Republic of China or the Special Administrative Region of Hong Kong, owns or holds, directly or indirectly, not less than twenty percent (20%) of the economic interest of the business concern or entity, including as equity shares or a capital or profit interest in a limited liability company or partnership; or
- (2) that retains, as a member of the board of directors of the business concern, a person who is a resident of the People's Republic of China.

Sec. 8. As used in this chapter, "system" has the meaning set forth in IC 5-10.5-1-6.

Sec. 9. After June 30, 2021, the system may not knowingly invest in a proinvestment product and shall divest any investment that the system has on behalf of a fund in accordance with this chapter. Determinations under this chapter are independent of any determinations made under IC 5-10.2-9, IC 5-10.2-10, and IC 5-10.2-11.

Sec. 10. Before June 30, 2021, and at least annually before July 1 of each subsequent year, the board shall make a good faith effort to identify all restricted entities and prohibited investments in which the system holds an investment. The

board may use an independent research firm to assist the board.

Sec. 11. If the board determines after a review under section 10 of this chapter that the system has investments in a restricted entity or a prohibited investment, the board shall establish a plan to divest the investment and complete the divestment as soon as financially prudent. However, the investment must be divested not later than the following:

- (1) At least fifty percent (50%) of the investment shall be removed from a fund's assets within three (3) years after the board discovers that the investment is in a restricted entity or prohibited investment.
- (2) At least seventy-five percent (75%) of the investment shall be removed from a fund's assets within four (4) years after the board discovers that the investment is in a restricted entity or prohibited investment.
- (3) One hundred percent (100%) of the investment shall be removed from a fund's assets within five (5) years after the board discovers that the investment is in a restricted entity or prohibited investment.

Sec. 12. The board, in consultation with the interim study committee on pension management oversight, may cease divestment in the entity or product initiated under this chapter and resume investment in the entity or product during any period in which the entity or product has not returned to being a restricted entity or prohibited investment if all of the following conditions are met:

- (1) The United States Secretary of State has issued a determination that the People's Republic of China is in compliance with each of the following:
  - (A) The December 19, 1984, Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong.
  - (B) The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China.
  - (C) The Uyghur Human Rights Policy Act of 2020.
  - (D) The December 10, 1948, Universal Declaration of Human Rights.
  - (E) The December 16, 1966, International Covenant on Civil and Political Rights.
- (2) The entity or product meets or exceeds the rules and standards of the Public Company Accounting Oversight Board and the Sarbanes-Oxley Act of 2002 (Public Law 107-204).

Sec. 13. (a) Before November 2, 2021, and annually before November 2 of each subsequent year, the board shall submit a report in an electronic format under IC 5-14-6 to the executive director of the legislative services agency.

(b) A report submitted by the board under this section must include at least the following information:

- (1) All investments in a restricted entity or prohibited investment held by the system on behalf of a fund on July 1 of that year.
- (2) All actions taken before October 1 of that year to divest holdings in restricted entities and prohibited investments.
- (3) All investments held on October 1 of that year in restricted entities and prohibited investments and a description of the plan to divest the investments.

The board may include in the report any other information the board determines relevant.

Sec. 14. With respect to actions taken in compliance with this chapter, including all good faith determinations regarding restricted entities and prohibited investments, the board and the system are exempt from any conflicting statutory or common law obligations, including any obligations with respect to choice of asset managers,



investment funds, or investments for fund investment portfolios.

**Sec. 15. (a) Both:**

(1) the state and its officers, agents, and employees; and

(2) a fund or the system and its board members, executive director, officers, agents, and employees; are immune from civil liability for any act or omission related to the removal of an asset from a fund under this chapter.

(b) In addition to the immunity provided under subsection (a), both:

(1) the officers, agents, and employees of the state; and  
(2) the board members, executive director, officers, agents, and employees of a fund or the system;

are entitled to indemnification from the fund for all losses, costs, and expenses, including reasonable attorney's fees, associated with defending against any claim or suit relating to an act authorized under this chapter.

**Sec. 16. The provisions of this chapter are severable in the manner provided in IC 1-1-1-8(b)."**

Delete pages 3 through 6.

Page 7, delete line 1.

Page 9, line 27, delete "IC 5-10.2-13-17" and insert **"IC 5-10.2-13-15"**.

Renumber all SECTIONS consecutively.

(Reference is to HB 1387 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

MILLER D, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1395, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 11, between lines 28 and 29, begin a new paragraph and insert:

**"SECTION 42. IC 14-28-1-22.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 22.1. (a) This section applies to local floodplain administrators in a county having a population of more than one hundred forty thousand (140,000) but less than one hundred fifty thousand (150,000).**

**(b) A local floodplain administrator may issue a variance approving a structure located within a floodway without a permit issued by the director of the department under section 22 of this chapter if:**

(1) the structure is not used as an abode or residence;

(2) the structure is constructed after January 1, 2018, but not later than July 1, 2020; and

(3) the lowest floor of the structure is not more than fifteen-hundredths (0.15) of a foot below two (2) feet above the one hundred (100) year flood elevation.

**(c) This section expires July 1, 2022."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1395 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

EBERHART, Chair

Report adopted.

**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1396, has had the same under consideration

and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

**"SECTION 1. IC 7.1-1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. Beer:** The term "beer" means an alcoholic beverage obtained by the fermentation of:

(1) an infusion or decoction of:

(A) barley malt or other cereal; and

(B) hops;

in water; or

(2) cereal byproducts."

Page 1, line 13, strike "one (1)" and insert **"two (2)"**.

Page 1, line 15, after "primarily" insert **"as a fine arts theater or"**.

Page 2, between lines 4 and 5, begin a new paragraph and insert:

**"SECTION 3. IC 7.1-1-3-16.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16.7. The term "flavored malt beverage" means an alcoholic beverage that has all of the following attributes:**

(1) The alcoholic beverage is made from a malt beverage base that is flavored with aromatic essences or other flavorings in quantities and proportions that result in a product that possesses a character and flavor distinctive from the malt beverage base and is distinguishable from other malt beverages.

(2) The label, packaging, container, and any advertising or depiction of the alcoholic beverage disseminated, broadcast, or available in Indiana do not contain any of the following words, or a derivative, version, or non-English translation of the following words:

(A) Beer.

(B) Lager.

(C) Pilsner.

(D) Stout.

(E) Porter.

(F) Ale.

(G) Cider.

(H) Framboise.

(I) Lambic.

(J) Draft.

(K) Liquor.

(L) Bitter.

(M) Brew.

However, the label and packaging may contain in only one (1) location the words "flavored beer" placed adjacent to each other in type not to exceed two (2) millimeters in height.

~~(3) The alcoholic beverage is not distributed in aluminum or other metal containers.~~

~~(4) (3) The alcoholic beverage creates no foam that gives the appearance of beer when the alcoholic beverage is poured from its container."~~

Page 6, between lines 9 and 10, begin a new paragraph and insert:

**"(m) Upon written request, the local board must provide to an individual by electronic mail a copy of the local board monthly hearing schedule. After an individual first requests the monthly hearing schedule, the local board must provide that individual with all subsequent monthly hearing schedules, unless the individual requests to no longer receive the monthly schedules. The schedule must be provided to the requesting individual not later than twenty-four (24) hours after the schedule is posted."**

Page 11, line 14, delete "the employee of the permittee:" and insert **"an employee of the permittee who is at least twenty-one (21) years of age:"**.

Page 14, line 28, delete "the employee of the permittee:" and

insert "an employee of the permittee who is at least twenty-one (21) years of age:".

Page 15, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 20. IC 7.1-3-6-17 IS ADDED TO INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) Notwithstanding any other law, the holder of a retailer's permit, may allow:

- (1) a brewery under IC 7.1-3-2-7(5);
- (2) a farm winery under IC 7.1-3-12;
- (3) an artisan distillery under IC 7.1-3-27; or
- (4) any combination of (1) through (3);

to host a trade show or an exposition at which products of a permittee participant are displayed, promoted, and sold on the licensed premises for which a retailer's permit or supplemental permit (if the retailer permittee also holds a supplemental caterer's permit) has been issued.

(b) The permittee or permittees described in subsection (a) may provide complimentary samples of their own products and sell their own products to consumers by the glass or for carryout at the location that is subject to the retailer's permit or supplemental caterer's permit."

Page 16, line 28, delete "the employee of the permittee:" and insert "an employee of the permittee who is at least twenty-one (21) years of age:".

Page 17, delete lines 16 through 19, begin a new line block indented and insert:

"(2) The area is:

- (A) within a tract that contains a premises that is described in IC 7.1-3-1-14(d)(2);
- (B) in close proximity or adjacent to the concourse of or within the building or facility; or
- (C) within a restricted access club area of or within the building or facility."

Page 18, line 21, delete "A" and insert "In a grab and go store, a".

Page 18, line 24, delete "in the grab and go store".

Page 18, line 28, delete "in the grab and go store".

Page 19, delete line 26.

Page 19, line 27, reset in roman "(C)".

Page 19, line 27, delete "(D)".

Page 19, line 28, strike "or".

Page 19, line 29, reset in roman "(D)".

Page 19, line 29, delete "(E)".

Page 19, line 30, delete "(C). (D)." and insert "(C); or

(E) any other container permissible under federal law."

Page 21, delete lines 7 through 19, begin a new line block indented and insert:

"(14) A holder that:

(A) does not distribute through an Indiana wine wholesaler is entitled under the farm winery permit to sell and deliver to a person holding a wine retailer or wine dealer permit under this title:

- (i) a total of not more than one thousand (1,000) gallons of the farm winery's wine in a calendar year, if the farm winery has taken not more than five thousand (5,000) gallons out of bond the previous calendar year;
- (ii) a total of not more than two thousand (2,000) gallons of the farm winery's wine in a calendar year, if the farm winery has taken more than five thousand (5,000) gallons out of bond and not more than ten thousand (10,000) gallons out of bond the previous calendar year; or
- (iii) a total of not more than three thousand (3,000) gallons of the farm winery's wine in a calendar year, if the farm winery has taken more than ten thousand (10,000) gallons out of bond and not more than fifteen thousand (15,000)

gallons out of bond the previous calendar year; or

(B) distributes through an Indiana wine wholesaler is entitled under the farm winery permit to sell and deliver to a person holding a wine retailer or wine dealer permit under this title the greater of:

- (i) one thousand (1,000) gallons; or
- (ii) fifty percent (50%) of the amount the permit holder distributed through an Indiana wholesaler the previous calendar year, not to exceed three thousand (3,000) gallons."

Page 22, line 15, delete "the employee of the permittee:" and insert "an employee of the permittee who is at least twenty-one (21) years of age:".

Page 23, line 9, delete "the employee of the permittee:" and insert "an employee of the permittee who is at least twenty-one (21) years of age:".

Page 29, line 33, delete "including" and insert "excluding".

Page 33, delete lines 33 through 42, begin a new line block indented and insert:

"(10) A holder that:

(A) does not distribute through an Indiana liquor wholesaler is entitled under the artisan distiller's permit to sell and deliver to a person holding a liquor retailer or liquor dealer permit under this title:

- (i) a total of not more than one hundred (100) proof gallons of the artisan distillery's liquor in a calendar year, if the artisan distillery has taken not more than five hundred (500) proof gallons out of bond the previous calendar year;
- (ii) a total of not more than two hundred (200) proof gallons of the artisan distillery's liquor in a calendar year, if the artisan distillery has taken more than five hundred (500) proof gallons out of bond and not more than one thousand (1,000) proof gallons out of bond the previous calendar year; or
- (iii) a total of not more than three hundred (300) proof gallons of the artisan distillery's liquor in a calendar year, if the artisan distillery has taken more than one thousand (1,000) proof gallons out of bond and not more than fifteen hundred (1,500) proof gallons out of bond the previous calendar year; or

(B) distributes through an Indiana liquor wholesaler is entitled under the artisan distiller's permit to sell and deliver to a person holding a liquor retailer or liquor dealer permit under this title the greater of:

- (i) one hundred (100) proof gallons; or
- (ii) fifty percent (50%) of the amount the permit holder distributed through an Indiana liquor wholesaler the previous calendar year, not to exceed three hundred (300) proof gallons."

Page 34, delete lines 1 through 2.

Page 34, line 33, delete "the employee of the permittee:" and insert "an employee of the permittee who is at least twenty-one (21) years of age:".

Page 35, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 46. IC 7.1-3-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 31. Craft Festival Organizer Permit

Sec. 1. As used in this chapter, "festival area" means a building, structure, tent, or outdoor area contiguous to a building, structure, or tent that is approved by the commission as the location for a festival conducted by an organizer permittee.

**Sec. 2.** As used in this chapter, "festival participant" means the holder of:

- (1) a brewer's permit that has received the commission's approval under IC 7.1-3-2-7(5)(J);
- (2) a farm winery that has received the commission's approval under IC 7.1-3-12-5(c); or
- (3) an artisan distiller's permit that has received the commission's approval under IC 7.1-3-27-8(a)(8);

to participate in an event, trade show, or exposition.

**Sec. 3.** As used in this chapter, "organizer permittee" means a person issued a festival organizer permit under this chapter.

**Sec. 4.** An applicant for a festival organizer permit shall provide the commission with a floor plan of the festival area and the location of the festival participants within the festival area.

**Sec. 5.** An organizer permittee shall comply with the following:

- (1) Provide service of alcoholic beverages only by servers certified under IC 7.1-3-1.5.
- (2) Allow sales only during the times prescribed under IC 7.1-3-1-14.
- (3) Prohibit sales prohibited under IC 7.1-5-10-1.
- (4) Operate under rules adopted by the commission to protect the public interest under IC 7.1-1-1.

**Sec. 6.** A municipality or county (if the festival area is located in the unincorporated area of the county) may, by ordinance, establish requirements for the operation of the festival, including:

- (1) requiring festival participants to use only nonbreakable plastic bottles or plastic or paper cups for alcoholic beverages consumed in the festival area; or
- (2) requiring bottles or cups to be affixed with a logo that identifies the container for use only in the festival area.

**Sec. 7.** If the application is approved, the organizer permittee is entitled to allow festival participants to:

- (1) occupy the same building, structure, tent, or contiguous area; and
- (2) sell and serve alcoholic beverages to consumers by the drink and in the original containers for carryout.

**Sec. 8.** The term of an organizer permit is up to and including, three (3) days from its issuance. The commission may issue not more than one (1) organizer permit per calendar quarter for each county.

**Sec. 9.** (a) An organizer permittee shall provide every person within the festival area who is at least twenty-one (21) years of age with a nontransferable wristband identification imprinted with the name or logo of the festival.

(b) A festival participant may not sell alcoholic beverages to a person unless the person is wearing a wristband identification imprinted with the name or logo of the festival area.

(c) A organizer permittee commits a Class B infraction for a violation of this section.

**Sec. 10.** (a) An applicant for an organizer permit is not required to post notice and appear in front of the local board in which the permit premises is situated.

(b) An organizer permit authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

**Sec. 11.** A festival participant may sell or serve a consumer not more than one (1) open container of an alcoholic beverage at a time. The open container may not exceed the following:

- (1) An open container of beer or flavored malt beverage may not exceed sixteen (16) fluid ounces.
- (2) An open container of wine, including cider or hard seltzer, may not exceed twelve (12) fluid ounces.
- (3) An open container of a mixed drink containing at

least one (1) liquor and at least one (1) nonalcoholic mixer other than water or ice may not exceed ten (10) fluid ounces.

(4) An open container of only liquor, liquor and water, or liquor and ice may not exceed two (2) ounces.

**Sec. 12.** A person may consume an alcoholic beverage purchased from a festival participant anywhere within the festival area designated as a common area for the consumption of alcoholic beverages.

**Sec. 13.** A person may not consume an alcoholic beverage within the festival area that was purchased outside of the festival area or that was purchased from a festival participant for carryout.

**Sec. 14.** An organizer permittee is responsible to the commission for any and all violations of alcohol laws and rules regarding sales and service of alcoholic beverages by festival participants.

**Sec. 15.** An organizer permittee who violates section 9 or 11 of this chapter commits a Class B infraction.

**Sec. 16.** An applicant for an organizer permit must pay the license fee under IC 7.1-4-4.1-5.

**SECTION 47.** IC 7.1-4-4.1-5, AS AMENDED BY P.L.214-2016, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) This section applies to the following permits:

(1) Temporary beer permit.

(2) Temporary wine permit.

(b) Except as provided in subsection (d), a license fee for a temporary permit is the greater of the following:

(1) Two dollars (\$2) per day of operation.

(2) The amount per day set by the commission under subsection (c).

(c) Subject to any rates or schedules adopted by the commission, the commission may set a higher daily rate for a temporary beer permit under subsection (b)(2) if, in the judgment of the commission, the number of persons likely to be accommodated, or any other facts bearing on the value of the permit warrant the increase. However, except as provided under subsection (d), the fee may not exceed one thousand dollars (\$1,000) per day.

(d) A license fee for a temporary permit issued under IC 7.1-3-6-3.8 is two thousand five hundred dollars (\$2,500).

(e) A fee for a craft festival organizer permit under IC 7.1-3-31 is five hundred dollars (\$500)."

Page 36, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 49. IC 7.1-5-7-11, AS AMENDED BY P.L.285-2019, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) The provisions of sections 9 and 10 of this chapter shall not apply if the public place involved is one (1) of the following:

(1) Civic center.

(2) Convention center.

(3) Sports arena.

(4) Bowling center.

(5) Bona fide club.

(6) Drug store.

(7) Grocery store.

(8) Boat.

(9) Dining car.

(10) Pullman car.

(11) Club car.

(12) Passenger airplane.

(13) Horse racetrack facility holding a recognized meeting permit under IC 4-31-5.

(14) Satellite facility (as defined in IC 4-31-2-20.5).

(15) Catering hall under IC 7.1-3-20-24 that is not open to the public.

(16) That part of a restaurant which is separate from a room in which is located a bar over which alcoholic

beverages are sold or dispensed by the drink.

(17) Entertainment complex.

(18) Indoor golf facility.

(19) A recreational facility such as a golf course, bowling center, or similar facility that has the recreational activity and not the sale of food and beverages as the principal purpose or function of the person's business.

(20) A licensed premises owned or operated by a postsecondary educational institution described in IC 21-17-6-1.

(21) An automobile racetrack.

(22) An indoor theater under IC 7.1-3-20-26.

(23) A senior residence facility campus (as defined in IC 7.1-3-1-29(c)) at which alcoholic beverages are given or furnished as provided under IC 7.1-3-1-29.

(24) A hotel other than a part of a hotel that is a room in a restaurant in which a bar is located over which alcoholic beverages are sold or dispensed by the drink.

(25) The location of an allowable event to which IC 7.1-3-6.1 applies.

(26) The location of a charity auction to which IC 7.1-3-6.2 applies.

(27) A farm winery and any additional locations of the farm winery under IC 7.1-3-12, if the minor is in the company of a parent, legal guardian or custodian, or family member who is at least twenty-one (21) years of age and the minor is accompanied by the adult in any area that the adult may be present whether or not the area:

(A) is separated in any manner from where the wine is manufactured, sold, or consumed within the farm winery premises; or

(B) operates under a retailer's permit.

(28) An artisan distillery under IC 7.1-3-27, if:

(A) the person who holds the artisan distiller's permit also holds a farm winery permit under IC 7.1-3-12; and

(B) the minor is in the company of a parent, legal guardian or custodian, or family member who is at least twenty-one (21) years of age.

(29) An art instruction studio under IC 7.1-5-8-4.6.

(30) The licensed premises of a food hall under IC 7.1-3-20-29 and the food and beverage vending space of a food hall vendor permittee under IC 7.1-3-20-30. However, sections 9 and 10 of this chapter apply to a bar within the food and beverage vending space of a food hall vendor permittee under IC 7.1-3-20-30 that serves alcoholic beverages intended to be consumed while sitting or standing at the bar.

**(31) A festival area under IC 7.1-3-31.**

(b) For the purpose of this subsection, "food" means meals prepared on the licensed premises. It is lawful for a minor to be on licensed premises in a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink if all the following conditions are met:

(1) The minor is eighteen (18) years of age or older.

(2) The minor is in the company of a parent, guardian, or family member who is twenty-one (21) years of age or older.

(3) The purpose for being on the licensed premises is the consumption of food and not the consumption of alcoholic beverages."

Renumber all SECTIONS consecutively.

(Reference is to HB 1396 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

SMALTZ, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1397, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 22 through 42.

Delete pages 4 through 9.

(Reference is to HB 1397 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

BEHNING, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1398, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 14-8-2-221.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 221.5. "Proximity", for purposes of IC 14-22-26.5, has the meaning set forth in IC 14-22-26.5-2.**"

Page 1, line 9, delete "IC 14-22-26.5-2." and insert "**IC 14-22-26.5-3.**"

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 4. IC 14-8-2-282.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 282.5. "Trained", for purposes of IC 14-22-26.5, has the meaning set forth in IC 14-22-26.5-4.**"

Page 2, line 1, delete "possibility" and insert "**likelihood**".

Page 2, line 9, delete "member of the staff" and insert "**professional employee or accompanying employee, volunteer, or contractor**".

Page 2, line 9, after "facility" insert "**or entity**".

Page 2, line 14, delete "intern;" and insert "**intern or specialist accompanying a licensed veterinarian;**".

Page 2, line 16, delete "or".

Page 2, line 18, delete "veterinarian." and insert "**veterinarian; or**".

Page 2, between lines 18 and 19, begin a new line block indented and insert:

**"(7) a contractor, intern, or other service provider working on behalf of the facility or entity under the direct supervision of a trained professional employee.**

**Sec. 2. As used in this chapter, "proximity" means a distance that does not allow a member of the public to touch a primary, permeable barrier of a specified animal that can be determined by a visual or physical barrier, including a barrier fence, safety line, or other means to signify a restricted area."**

Page 2, line 19, delete "2." and insert "**3.**".

Page 2, between lines 31 and 32, begin a new paragraph and insert:

**"Sec. 4. As used in this chapter, "trained" means having participated in specific instruction with a specified animal."**

Page 2, line 32, delete "3." and insert "**5.**".

Page 2, line 35, delete "4." and insert "**6.**".

Page 2, line 37, delete "5." and insert "**7.**".

Page 2, line 41, delete "IC 14-22-26.5-5" and insert "**IC 14-22-26.5-7.**"

Renumber all SECTIONS consecutively.  
(Reference is to HB 1398 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: yeas 9, nays 2.

EBERHART, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1407, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-1-14-3, AS ADDED BY P.L.139-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) This section applies to a county in which the total amount received by the county (either before July 1, 2015, or after June 30, 2015) or that will be received by the county from the sale of a capital asset exceeds fifty million dollars (\$50,000,000).

(b) As used in this section, "foundation" means a charitable nonprofit foundation established under subsection (c).

(c) The county legislative body and the county fiscal body may, by adopting substantially similar ordinances, establish a charitable nonprofit foundation to hold some or all of the proceeds of the sale of the capital asset in trust for the benefit of the county. A county legislative body and a county fiscal body may adopt ordinances under this subsection before, after, or at the time of the sale of the capital asset. The members of the county legislative body and the members of the county fiscal body shall serve as the board of trustees of a foundation established under this section. A member's term on the board of trustees expires when the member's term on the county legislative body or the county fiscal body expires.

(d) The board of trustees of a foundation established under this section shall contract with investment managers, investment advisors, investment counsel, trust companies, banks, or other finance professionals to assist the board in its investment program. Money held by the foundation must be invested in accordance with the terms of an investment policy statement developed by the board of trustees with an investment advisor that:

- (1) is approved by the board of trustees; and
- (2) complies with the diversification, risk management, and other fiduciary requirements common to the management of charitable foundations, including that the funds of the foundation must be invested according to the prudent investor rule. However, the investment policy statement may not allow the foundation to invest in any investments in which the political subdivision that established the foundation is not permitted to invest under the Constitution of the State of Indiana.

The investment policy statement must include the limitation on the investment in equities specified in subsection (f) **and may include a formal spending policy as authorized in subsection (g).**

(e) Money held by the foundation:

- (1) may be invested in any legal, marketable securities; and
- (2) is not subject to any other investment limitations in the law, other than the limitations under this section and the limitations in the investment policy statement.

(f) The total amount of the funds invested by a foundation in equity securities under this section may not exceed fifty-five percent (55%) of the total value of the portfolio of funds invested by the foundation under this section. However:

- (1) an investment that complies with this subsection when

the investment is made remains legal even if a subsequent change in the value of the investment or a change in the value of the total portfolio of funds invested by the foundation causes the percentage of investments in equity securities to exceed the fifty-five percent (55%) limit on equity securities; and

(2) if the total amount of the funds invested by a foundation in equity securities exceeds the fifty-five percent (55%) limit on equity securities because of a change described in subdivision (1), the investments by the foundation must be rebalanced to comply with the fifty-five percent (55%) limit on equity investments not later than one hundred twenty (120) days after the equity investments first exceed that limit.

**(g) The investment policy statement approved by the board of trustees under subsection (d) may include a formal spending policy for:**

- (1) a spending rate of up to five percent (5%) multiplied by a five (5) year moving average of quarterly market values with the distributable amount for each year determined on a specified date; or**
- (2) in the case of a foundation that was established less than ten (10) years ago, an interim spending rate of up to five percent (5%) multiplied by a moving average consisting of all available quarterly market values since the date the foundation was established;**

**to the extent consistent with Section 4942 of the Internal Revenue Code.**

~~(g)~~ **(h)** The following apply if a foundation is established under this section:

(1) The county legislative body shall determine the amount of the proceeds from the sale of the capital asset that shall be transferred by the county fiscal officer to the foundation.

(2) The principal amount of the donation to the foundation consists of the following:

(A) The amount transferred to the foundation under subdivision (1).

(B) Any donations, gifts, or other money received from any private source.

(C) Any investment income that is:

(i) earned on the principal of the donation; and

(ii) added to the principal of the donation as provided in subdivision (3).

(3) To the extent that investment income earned on the principal amount of the donation during a calendar year exceeds five percent (5%) of the amount of the principal at the beginning of the calendar year, that excess investment income shall, for purposes of this section, be added to and be considered a part of the principal amount of the donation.

(4) An expenditure or transfer of any money that is part of the principal amount of the donation may be made only upon unanimous approval of the board of trustees.

(5) The foundation must be audited annually by an independent third party auditor.

(6) The board of trustees must meet at least quarterly to receive a quarterly compliance and performance update from the investment advisor. Three (3) nonvoting advisors who are officers of different county designated depositories shall attend the quarterly meetings in an advisory capacity to assist the board of trustees:

(A) in reviewing the compliance and performance report from the investment advisor; and

(B) in reviewing the annual audit required by subdivision (5).

The three (3) nonvoting advisors may not vote on any action of the board of trustees. The board of trustees shall by majority vote select the three (3) depositories from which the three (3) nonvoting advisors will be chosen.

Each of the three (3) depositories selected under this subdivision shall select an officer of the depository to serve as one (1) of the three (3) nonvoting advisors. Each nonvoting advisor shall serve a term of three (3) years, and the nonvoting advisor shall continue to serve until a successor is selected. However, to provide for staggered terms, the board of trustees shall provide that the initial term of one (1) nonvoting advisor is one (1) year, the initial term of one (1) nonvoting advisor is two (2) years, and the initial term of one (1) nonvoting advisor is three (3) years. For purposes of avoiding a conflict of interest, a financial institution for which a nonvoting advisor is an officer (and any affiliate of such a financial institution) may not receive a commission or other compensation for investments made by the foundation under this section."

Renumber all SECTIONS consecutively.

(Reference is to HB 1407 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

ZENT, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1436, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete line 17.

Delete pages 2 through 6.

(Reference is to HB 1436 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

TORR, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1437, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 32, delete "3.5 or 3.6" and insert "**3.5, 3.6, or 3.8**".

Page 5, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 7. IC 5-14-1.5-3.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 3.8. (a) This section applies only to the governing body of each of the following:**

- (1) A common council for a second or third class city.
- (2) A town council.
- (3) A board of county commissioners for a county not having a consolidated city.
- (4) A county council for a county not having a consolidated city.
- (5) The city-county council for a county having a consolidated city.
- (6) A board of zoning appeals.
- (7) A plan commission.

(b) A member of the governing body of a public agency who is not physically present at a meeting of the governing body may participate in a meeting by any electronic means of communication that does the following:

- (1) Allows all participating members of the governing body to simultaneously communicate with each other.
- (2) Allows a member of the public who is not physically present at the location where the meeting is conducted

to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session.

(c) At least a quorum of members of a governing body must be physically present at the location where a meeting is conducted.

(d) The governing body shall adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication. The governing body may establish procedures that are more restrictive than the procedures established by this section.

(e) The memoranda prepared under section 4 of this chapter for a meeting in which a member participates by an electronic means of communication must:

(1) state the name of each member of the governing body who:

(A) was physically present at the place where the meeting was conducted;

(B) participated in the meeting by using any electronic means of communication; and

(C) was absent; and

(2) identify the electronic means of communication by which:

(A) members of the governing body participated in the meeting; and

(B) the public attended and observed the meeting, if the meeting was not held in executive session.

(f) A member of a governing body participating in a meeting of the governing body by electronic communication may participate in final action except for taking final action on:

(1) adopting a budget;

(2) making a personnel decision;

(3) initiating a referendum;

(4) establishing or increasing a fee;

(5) establishing or increasing a penalty;

(6) using the governing body's eminent domain authority; or

(7) establishing, raising, or renewing a tax.

(g) All votes taken during a meeting under this section must be taken by roll call vote."

Page 6, line 10, delete "until the" and insert "**until ninety (90) days after the**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1437 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 3.

MILLER, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1438, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-30-16-2, AS ADDED BY P.L.80-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. As used in this chapter, "course provider" means, **subject to section 6(e) of this chapter**, a provider that offers course access program courses that provide for the delivery of instruction through any method, including use of online technologies."

Page 1, line 5, after "department" insert "**in accordance with policies adopted by the state board**".

Page 2, line 9, strike "by the department." and insert "**by the state board**".

Page 2, delete lines 13 through 42, begin a new paragraph and insert:

"SECTION 3. IC 20-30-16-6, AS ADDED BY P.L.80-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Before June 30, 2018, the department shall establish:

- (1) an authorization process for course providers; and
- (2) a review process for approval of course access program courses, which must be aligned to Indiana academic standards.

**This subsection expires June 30, 2021.**

**(b) Not later than June 30, 2021, the department shall implement the course access program in the manner prescribed by the state board. The state board shall establish requirements:**

- (1) that a course provider must meet to be eligible for authorization by the department under this chapter;**
- (2) that a course access program course must meet to be eligible for approval by the department under this chapter; and**
- (3) for a course provider to appeal a decision by the department denying or revoking authorization of a particular course access program course.**

**(c) The department is responsible for:**

- (1) registering and authorizing course access providers;**
- (2) providing advertising for the course access program; and**
- (3) monitoring course access courses and providers to ensure compliance with the terms of the course access course's authorization;**

**in accordance with requirements established by the state board.**

**(b) (d) A course provider may apply for authorization or submit course access program courses for approval to the department in a manner prescribed by the state board at any time.**

**(e) A school corporation may be considered a course provider if the school corporation meets criteria established by the state board for school corporations to qualify as course providers.**

**(f) Subject to section 7 of this chapter, if a course provider or course access program course meets the requirements established by the state board under subsection (b), the department shall authorize the course provider or approve the course access program course, whichever is applicable.**

**(g) If the department denies authorization to a course provider or denies approval of a course access program course of a course provider, the course provider may appeal the denial to the state board.**

**(h) A course provider authorized by the department shall ensure that each course access program course is accessible to students of all abilities, and may not discriminate on the basis of race, creed, color, or national origin.**

**(i) A course provider authorized by the department shall comply with the privacy provisions of federal law."**

Page 3, delete line 1.

Page 3, line 4, after "department" insert **"in accordance with requirements established by the state board"**.

Page 3, line 13, after "department" insert **"in accordance with requirements established by the state board"**.

Renumber all SECTIONS consecutively.

(Reference is to HB 1438 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

BEHNING, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1441, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1441 as introduced.)

Committee Vote: Yeas 12, Nays 0.

TORR, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1448, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 4.

Page 5, delete lines 1 through 35.

Page 6, delete lines 7 through 42.

Delete pages 7 through 9.

Page 10, delete lines 1 through 29.

Page 11, delete lines 25 through 42.

Page 12, delete lines 1 through 34.

Page 12, line 39, delete "IC 31-19-4.5-6,".

Page 13, line 18, delete "IC 31-19-4.5-6,".

Page 13, line 26, delete "IC 31-19-4-3," and insert **"IC 31-19-4-3 or"**.

Page 13, line 27, delete "or IC 31-19-4.5-6,".

Page 17, delete lines 6 through 36.

Page 18, delete lines 9 through 42.

Page 19, delete lines 1 through 41.

Page 20, delete lines 10 through 22.

Page 21, delete lines 26 through 42.

Delete pages 22 through 26.

Page 27, delete lines 1 through 36.

Page 31, delete lines 28 through 42.

Delete pages 32 through 37.

Renumber all SECTIONS consecutively.

(Reference is to HB 1448 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

TORR, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1478, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1478 as introduced.)

Committee Vote: Yeas 9, Nays 2.

MCNAMARA, Chair

Report adopted.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1485, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 28 through 42.

Page 3, delete lines 1 through 4.

Page 6, delete lines 12 through 20.



Renumber all SECTIONS consecutively.  
(Reference is to HB 1485 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: yeas 12, nays 0.

WESCO, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1496, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.  
Page 2, delete lines 1 through 17.  
Renumber all SECTIONS consecutively.  
(Reference is to HB 1496 as introduced.)  
and when so amended that said bill do pass.  
Committee Vote: yeas 11, nays 0.

EBERHART, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1549, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 12-17.2-7.2-5.7, AS ADDED BY P.L.268-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2021 (RETROACTIVE)]: Sec. 5.7. As used in this chapter, "priority enrollment period" refers to the period set forth by the office beginning not later than April 1 of each calendar year, **except for calendar year 2021, during which the priority enrollment period may begin later than April 1, 2021.**

SECTION 2. IC 12-17.2-7.2-8.1, AS ADDED BY P.L.268-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8.1. (a) ~~Up to twenty percent (20%) of the grants provided under this chapter may be used to provide grants to limited eligibility children. If funds are appropriated by the general assembly, grants to limited eligibility children shall not exceed:~~

- (1) **twenty percent (20%) of the amount appropriated for a particular state fiscal year if families with children four (4) years of age are on the statewide waiting list; or**
- (2) **forty percent (40%) of the amount appropriated for a particular state fiscal year if there is no waiting list for children four (4) years of age for funds available under the Child Care Development Fund.**

(b) During the priority enrollment period, the office shall provide grants to eligible children in the prekindergarten pilot program on a first-come, first-served basis. The office shall date stamp and reserve applications for limited eligibility children received during the priority enrollment period for processing during the extended enrollment period.

(c) During the extended enrollment period, the office shall provide grants to eligible children and limited eligibility children in the prekindergarten pilot program on a first-come, first-served basis to the extent of available funding and in accordance with the limit established by subsection (a).

SECTION 3. IC 20-19-3-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 23. (a) On or before January 1, 2022, the department shall make informational material that is evidence based available on the**

**department's Internet web site that may help teachers and other school employees identify a student who may have been impacted by trauma.**

**(b) On or before January 1, 2022, and each January 1 thereafter, the department shall provide a notice to each school corporation and charter school on how to access the information maintained on the department's Internet web site under subsection (a). The notice shall indicate that the school corporation or charter school may, and is encouraged to, distribute the informational material to the school corporation or charter school's employees in a manner prescribed by the school corporation or charter school.**

SECTION 4. IC 20-24-5-5, AS AMENDED BY P.L.270-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) Except as provided in subsections (b), (c), (d), (e), ~~and~~ (f), **and (g)** and section 4.5 of this chapter, a charter school must enroll any eligible student who submits a timely application for enrollment.

(b) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission. The organizer must determine which of the applicants will be admitted to the charter school or the program, class, grade level, or building by random drawing in a public meeting, with each timely applicant limited to one (1) entry in the drawing. However, the organizer of a charter school located in a county with a consolidated city shall determine which of the applicants will be admitted to the charter school or the program, class, grade level, or building by using a publicly verifiable random selection process.

(c) A charter school may limit new admissions to the charter school to:

- (1) ensure that a student who attends the charter school during a school year may continue to attend the charter school in subsequent years;
- (2) ensure that a student who attends a charter school during a school year may continue to attend a different charter school held by the same organizer in subsequent years;
- (3) allow the siblings of a student alumnus or a current student who attends a charter school or a charter school held by the same organizer to attend the same charter school the student is attending or the student alumnus attended;
- (4) allow preschool students who attend a Level 3 or Level 4 Paths to QUALITY program preschool to attend kindergarten at a charter school if the charter school and the preschool provider have entered into an agreement to share services or facilities;
- (5) allow each student who qualifies for free or reduced price lunch under the national school lunch program to receive preference for admission to a charter school if the preference is specifically provided for in the charter school's charter and is approved by the authorizer; and
- (6) allow each student who attends a charter school that is co-located with the charter school to receive preference for admission to the charter school if the preference is specifically provided for in the charter school's charter and is approved by the charter school's authorizer.

(d) This subsection applies to an existing school that converts to a charter school under IC 20-24-11. During the school year in which the existing school converts to a charter school, the charter school may limit admission to:

- (1) those students who were enrolled in the charter school on the date of the conversion; and
- (2) siblings of students described in subdivision (1).

(e) A charter school may give enrollment preference to children of the charter school's founders, governing body



members, and charter school employees, as long as the enrollment preference under this subsection is not given to more than ten percent (10%) of the charter school's total population.

**(f) A charter school may give enrollment preference to children who attend another charter school that is closed under IC 20-24-2.2-2.5.**

**(f) (g)** A charter school may not suspend or expel a charter school student or otherwise request a charter school student to transfer to another school on the basis of the following:

- (1) Disability.
- (2) Race.
- (3) Color.
- (4) Gender.
- (5) National origin.
- (6) Religion.
- (7) Ancestry.

A charter school student may be expelled or suspended only in a manner consistent with discipline rules established under IC 20-24-5.5.

SECTION 5. IC 20-25.7-5-5, AS AMENDED BY P.L.155-2020, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) IC 20-24-5-5 (with the exception of ~~IC 20-24-5-5(f)~~) **IC 20-24-5-5(g)** does not apply to a participating innovation network charter school that enters into an agreement with the board to reconstitute or establish an eligible school.

(b) Except as provided in subsections (c) and (d), a participating innovation network charter school must enroll any eligible student who submits a timely application for enrollment.

(c) A participating innovation network charter school that reconstitutes or establishes an eligible school may limit new admissions to the participating innovation network charter school to:

- (1) ensure that any student with legal settlement in the attendance area, or in the school corporation if the school does not have a defined attendance area, may attend the charter school;
- (2) ensure that a student who attends the participating innovation network charter school during a school year may continue to attend the charter school in subsequent years;
- (3) allow the siblings of a student alumnus or a current student who attends the participating innovation network charter school to attend the charter school;
- (4) allow preschool students who attend a Level 3 or Level 4 Paths to QUALITY program preschool to attend kindergarten at the participating innovation network charter school if the participating innovation network charter school and the school corporation or preschool provider have entered into an agreement to share services or facilities;
- (5) allow each student who qualifies for free or reduced price lunch under the national school lunch program to receive preference for admission to the participating innovation network charter school if the preference is specifically provided for in the charter and is approved by the authorizer; and
- (6) allow each student who attended a turnaround academy under IC 20-31-9.5 or attends a school that is located in the same school building as the participating innovation network charter school to receive preference for admission to the participating innovation network charter school if the preference is specifically provided for in the participating innovation network charter school's charter and is approved by the authorizer of the participating innovation network charter school.

(d) A participating innovation network charter school with a curriculum that includes study in a foreign country may deny admission to a student if:

- (1) the student:

- (A) has completed fewer than twenty-two (22) academic credits required for graduation; and
- (B) will be in the grade 11 cohort during the school year in which the student seeks to enroll in the participating innovation network charter school; or
- (2) the student has been suspended (as defined in IC 20-33-8-7) or expelled (as defined in IC 20-33-8-3) during the twelve (12) months immediately preceding the student's application for enrollment for:
  - (A) ten (10) or more school days;
  - (B) a violation under IC 20-33-8-16;
  - (C) causing physical injury to a student, a school employee, or a visitor to the school; or
  - (D) a violation of a school corporation's drug or alcohol rules.

For purposes of subdivision (2)(A), student discipline received under IC 20-33-8-25(b)(7) for a violation described in subdivision (2)(B) through (2)(D) must be included in the calculation of the number of school days that a student has been suspended.

(e) A participating innovation network charter school may give enrollment preferences to children of the participating innovation network charter school's founders, governing board members, and participating innovation network charter school employees, as long as the enrollment preference under this subsection is not given to more than ten percent (10%) of the participating innovation charter school's total population and there is sufficient capacity for a program, class, grade level, or building to ensure that any student with legal settlement in the attendance area may attend the school.

(f) This subsection applies to an existing charter school that enters into an innovation network agreement with the board. During the charter school's first year of operation as a participating innovation network charter school, the charter school may limit admission to:

- (1) those students who were enrolled in the charter school on the date it entered into the innovation network agreement; and
- (2) siblings of students described in subdivision (1).

(g) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a participating innovation network charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission. The participating innovation network charter school that is not in a county containing a consolidated city must determine which of the applicants will be admitted to the participating innovation network charter school or the program, class, grade level, or building by random drawing in a public meeting with each timely applicant limited to one (1) entry in the drawing. However, the participating innovation network charter school located in a county with a consolidated city shall determine which of the applicants will be admitted to the participating innovation network charter school or the program, class, grade level, or building by using a publicly verifiable random selection process."

Delete pages 2 through 3.

Page 4, delete lines 1 through 28.

Page 5, delete lines 7 through 9.

Page 5, line 30, after "requirements" insert **"if the elective credit is part of the student's degree requirements."**

**(d) The state educational institution may require a score higher than a satisfactory score on a Cambridge International Advanced A or AS level exam if the credit is to be used for meeting a course requirement for a particular major at the state educational institution".**

Page 7, line 30, delete "each".

Page 7, line 31, delete "institution" and insert **"institutions that do not have policies in effect"**.

Page 10, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 16. IC 23-13-19-3, AS AMENDED BY P.L.31-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The alumni trustees shall be selected as provided in this section.

(b) At the annual meeting of the alumni association of Wabash College, a committee of canvassers consisting of three (3) alumni, at least one (1) of whom shall be a resident of Montgomery County, Indiana, shall be elected to serve for the ensuing year and until their successors are elected. The board of directors of the National Association of Wabash Men shall nominate at least four (4) persons in even-numbered years and at least three (3) persons in odd-numbered years, all of such persons to be alumni of the college, as its choice of candidates for the position or positions of alumni trustee to be voted for by the alumni in the election.

(c) On the fourth Tuesday of February in each year, the registrar shall ~~mail from Crawfordsville, Indiana, distribute to each alumnus of the college a ballot which lists the names of the candidates selected by the board of directors of the National Association of Wabash Men, along with spaces for two (2) "write-in" candidates in even-numbered years and a space for a "write-in" candidate in odd-numbered years. Such distribution of ballots by the registrar may be accomplished by regular mail, electronic mail, or any other method of transmission reasonably calculated to allow the alumni of the college to receive the ballots and vote within the time frame described in this section.~~ The ballot shall also contain information and instructions concerning the time and manner of voting. Each alumnus is entitled to vote for two (2) candidates in even-numbered years, and for one (1) candidate in odd-numbered years. Each alumnus ~~having designated shall designate~~ on his ballot his two (2) choices or his one (1) choice for the positions or position of alumni trustee, as the case may be, ~~shall sign this ballot and mail it to the committee of canvassers in care of the registrar's office, Wabash College, Crawfordsville, Indiana. Alternatively, each alumnus may and shall vote for the alumnus' choice or choices of candidates by use of a secure electronic agent that creates an electronic record with the capability of including an electronic signature, consistent with the definitions provided in IC 26-2-8-102, as established by the registrar. and identical in substance to the mailed ballot. Alternatively, an alumnus may print a paper copy of his ballot, designate his two (2) choices or his one (1) choice for the positions or position of alumni trustee, as the case may be, manually sign his ballot, and mail it to the committee canvassers in care of the registrar's office, Wabash College, Crawfordsville, Indiana.~~ On the fourth Tuesday of April in each year, the ballots ~~(including ballots cast electronically)~~ shall be ~~opened and~~ canvassed by the committee of canvassers. Within three (3) days thereafter the committee shall certify to the secretary of the board of trustees the names of the two (2) candidates in even-numbered years and the name of the one (1) candidate in odd-numbered years, receiving the highest number of votes. At its next meeting following the fourth Tuesday in April of each year, the board of trustees shall elect to its membership the two (2) candidates or the one (1) candidate, as the case may be, whose names or name has been so certified to the board's secretary by the committee of canvassers.

(d) If, in any year, for any cause, the alumni fail to select the alumni trustee or trustees as provided in this section, the board of trustees shall elect, by a majority vote of the trustees in office present and voting at the election meeting, two (2) alumni in even-numbered years or one (1) alumnus in odd-numbered years, as the case may be, to serve as alumni trustees of Wabash College. Subject to the provisions of this chapter, the trustees shall, by a majority vote of their number present and voting at the time of such election, elect successor trustees in the event of

the death or resignation of any of their number. Any vacancies so filled shall be for the unexpired term of the trustee whose death or resignation has caused such vacancy.

(e) The word "alumnus", as used throughout this section, means any person holding a degree in a course from the college and any person who has been in residence at the college one (1) year or more. The word "alumnus" does not include any person actively on the rolls of the college as an undergraduate at the time of any annual election of trustees, or any person without a degree who entered the college with a class which has not yet graduated at the time of any annual election."

Renumber all SECTIONS consecutively.

(Reference is to HB 1549 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1553, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 21-12-13-2, AS AMENDED BY P.L.81-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) This section applies to the following scholarship, stipend, and fee remission statutes:

- (1) IC 21-12-3.
- (2) IC 21-12-4.
- (3) IC 21-12-6.
- (4) IC 21-13-2.
- (5) IC 21-13-7.
- (6) IC 21-13-8.
- (7) IC 21-13-4.
- (8) IC 21-14-5.
- (9) IC 21-12-16.

(b) Except as provided in subsection (c), and except for a stipend granted under IC 21-13-8 to an individual described in IC 21-13-8-1(b)(2)(B), a grant or reduction in tuition or fees, including all renewals and extensions, under any of the laws listed in subsection (a) may not exceed the number of terms that constitutes:

(1) **except as provided in subdivision (2),** four (4) undergraduate academic years, as determined by the commission; **or**

(2) **for purposes of IC 21-13-4, six (6) academic years as determined by the commission;**

and must be used within eight (8) years after the date the individual first applies and becomes eligible for benefits under the applicable law.

(c) The commission may, subject to the availability of funds, extend eligibility under subsection (b) for a recipient who used a grant or reduction in tuition or fees under any of the statutes listed in subsection (a) at a postsecondary educational institution that closed. The extension of eligibility may not exceed the number of terms used by the recipient at the postsecondary educational institution that closed."

Page 1, line 16, delete "3.75" and insert "3.5".

Page 2, after line 32, begin a new paragraph and insert:

"SECTION 3. IC 21-13-1-4, AS ADDED BY P.L.2-2007, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. "Eligible student", for purposes of section 8 of this chapter, means a person who:

(1) is a member of the Indiana National Guard:

(A) in active drilling status; and

(B) who has not been absent without leave within the

twelve (12) months immediately preceding the date the person applies for a tuition scholarship under this chapter;

~~(2) does not possess a bachelor's degree from an approved postsecondary educational institution;~~

~~(3) (2)~~ possesses the requisite academic qualifications;

~~(4) (3)~~ meets the requirements of the state educational institution in which the person is enrolled or will enroll; and

~~(5) (4)~~ meets all other eligibility requirements as determined by the commission.

SECTION 4. IC 21-13-4-2, AS ADDED BY P.L.2-2007, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. Money in the National Guard tuition supplement program fund shall be used to provide annual scholarships to scholarship applicants in an amount that is equal to one (1) of the following amounts:

(1) If the scholarship applicant does not receive other financial assistance specifically designated for educational costs, the amount equal to a full **undergraduate** tuition scholarship, **regardless as to whether the student uses the scholarship for undergraduate or graduate educational costs**, to attend the state educational institution.

(2) If the scholarship applicant receives other financial assistance specifically designated for educational costs, the amount:

(A) equal to the balance required to attend the state educational institution; and

(B) not to exceed the amount described in subdivision (1).

SECTION 5. IC 21-13-4-3, AS AMENDED BY P.L.217-2015, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) Subject to subsection (b), each scholarship awarded under this chapter:

(1) may be renewed under this chapter for a total scholarship award that does not exceed the equivalent of the number of terms that constitutes ~~four (4)~~ **undergraduate six (6) academic years as determined by the commission**; and

(2) is subject to other eligibility criteria as established by the commission.

(b) A scholarship awarded under this chapter may not be renewed if the eligible individual fails to maintain at least a cumulative grade point average that the eligible institution determines is satisfactory academic progress."

Renumber all SECTIONS consecutively.

(Reference is to HB 1553 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

BEHNING, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1558, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.48-2020, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. The institute is established to do the following:

(1) Evaluate state and local programs associated with:

(A) the prevention, detection, and solution of criminal offenses;

(B) law enforcement; and

(C) the administration of criminal and juvenile justice.

(2) Participate in statewide collaborative efforts to improve all aspects of law enforcement, juvenile justice, and criminal justice in this state.

(3) Stimulate criminal and juvenile justice research.

(4) Develop new methods for the prevention and reduction of crime.

(5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.

(6) Administer victim and witness assistance funds.

(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Administer funds for the support of any sexual offense services.

(13) Administer funds for the support of domestic violence programs.

(14) Administer funds to support assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(15) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

(16) Administer the family violence and victim assistance fund under IC 5-2-6.8.

(17) Monitor and evaluate criminal code reform under IC 5-2-6-24.

(18) Administer the enhanced enforcement drug mitigation area fund and pilot program established under IC 5-2-11.5.

(19) Administer the ignition interlock inspection account established under IC 9-30-8-7.

(20) Identify any federal, state, or local grants that can be used to assist in the funding and operation of regional holding facilities under IC 11-12-6.5.

(21) Coordinate with state and local criminal justice agencies for the collection and transfer of data from sheriffs concerning jail:

(A) populations; and

(B) statistics;

for the purpose of providing jail data to the management performance hub established by IC 4-3-26-8.

**(22) Establish and administer the Indiana crime guns task force fund under IC 36-8-25.5-8.**

SECTION 2. IC 36-8-25.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

#### Chapter 25.5. Indiana Crime Guns Task Force

Sec. 1. The following definitions apply throughout this chapter:

(1) "Executive board" means the task force executive board established by section 3 of this chapter.

(2) "Task force" means the Indiana crime guns task force established by section 2 of this chapter.

(3) "Task force area" means one (1) or more of the following counties:

(A) Boone County.

(B) Hamilton County.

(C) Hancock County.

(D) Hendricks County.

- (E) Marion County.
- (F) Morgan County.
- (G) Johnson County.
- (H) Shelby County.

Sec. 2. (a) The Indiana crime guns task force is established. The task force shall be hosted by the Indianapolis metropolitan police department, which shall administratively support the task force.

(b) The purpose of the task force is to reduce violent crime and bring violent criminals to justice by delivering, in cooperation with state and federal officials, a uniform strategy to trace firearms used to commit crimes.

(c) The task force consists of:

- (1) the executive board;
- (2) an executive director;
- (3) law enforcement officers assigned to the task force by a law enforcement agency located in the task force area; and
- (4) other employees and staff, whether assigned to the task force by a law enforcement agency or employed directly by the task force.

Sec. 3. (a) The task force executive board is established to oversee and direct the operations of the task force.

(b) The executive board consists of:

- (1) the chief of police of the Indianapolis metropolitan police department or the chief's designee, who serves as the chairperson of the executive board;
- (2) the superintendent of the Indiana state police department or the superintendent's designee, who serves as the vice chairperson of the executive board; and
- (3) a sheriff or chief of police from each department in the task force area which has assigned an officer to the task force.

(c) The executive board shall hold meetings at the call of the chairperson. The executive board may establish rules governing meetings.

(d) Five (5) executive board members constitute a quorum for the transaction of business. Each member has one (1) vote, and action by the executive board may be taken only upon the affirmative votes of the majority of attending members. If a vote is a tie, the position for which the chairperson voted prevails, as long as that position has received the affirmative votes of at least three (3) members.

(e) A member of the executive board is not entitled to:

- (1) the minimum salary per diem provided by IC 4-10-11-2.1(b); or
- (2) reimbursement for traveling and other expenses as provided under IC 4-13-1-4.

Sec. 4. (a) The Indianapolis metropolitan police department shall appoint an executive director to assist the executive board in the efficient administration of its powers and duties. The person appointed as executive director must have at least ten (10) years of experience as a law enforcement officer, with at least five (5) years of command experience.

(b) The executive director:

- (1) shall oversee the day to day operations of the task force, including supervision of task force divisions;
- (2) is the executive agent of the executive board in the administration of the executive board's policies; and
- (3) has the other powers and duties delegated to the executive director by the executive board.

(c) Subject to the approval of the executive board, the executive director shall:

- (1) employ; and
- (2) determine the qualifications, compensation, and duties of;

employees and staff necessary to carry out the operations of the task force. For purposes of this subsection, "employees and staff" does not include law enforcement officers

assigned to the task force.

Sec. 5. (a) The chairperson is the presiding officer at the meetings of the executive board. The chairperson, together with the executive director, shall prepare, certify, and authenticate all proceedings, minutes, records, rules, and regulations of the executive board.

(b) The executive board has the general power to organize its work and to enforce and administer this chapter.

Sec. 6. The executive board shall do the following:

(1) Work with the executive director to develop a memorandum of understanding to be used with participating law enforcement agencies. The memorandum of understanding must include:

- (A) staffing and personnel requirements;
- (B) standard operating procedures for investigating crimes involving firearms; and
- (C) a requirement that all participating law enforcement agencies use the National Integrated Ballistic Information Network (NIBIN).

A memorandum of understanding must comply with section 7 of this chapter.

(2) Provide a quarterly report to the governor and the legislative council concerning the activities of the task force. The report to the legislative council must be in an electronic format under IC 5-14-6.

Sec. 7. Personnel assigned to the task force by a participating law enforcement agency remain employees of the participating agency and not of the task force. The following apply to personnel assigned to the task force by a participating law enforcement agency:

(1) The participating agency is responsible for the conduct of personnel it assigned to the task force.

(2) The participating agency is responsible for:

- (A) worker's compensation; and
- (B) medical expenses;

of personnel it assigned to the task force.

(3) For purposes of tort liability, including liability under the Indiana tort claims act, personnel from a participating agency remain, while rendering assistance or aid to the task force, or while en route to or from rendering assistance or aid to the task force, employees of the participating law enforcement agency.

(4) A participating law enforcement agency is responsible for providing for the payment of compensation and benefits to its participating employee.

(5) The task force is not responsible, in whole or in part, for any loss, damage, expense, or cost the participating law enforcement agency incurs while participating in the task force.

Sec. 8. (a) The Indiana criminal justice institute shall establish the Indiana crime guns task force fund for the purpose of providing support for the operations of the task force.

(b) The fund is a nonreverting fund that consists of the following:

- (1) Grants and donations made to the task force.
- (2) Money from participating agencies in accordance with the memorandum of understanding.
- (3) Money appropriated to fund the task force.

(c) The expenses of the task force shall be paid by the fund.

(d) The Indiana criminal justice institute shall administer the fund.

(e) The Indiana criminal justice institute shall process all expenditures and claims for payment made by the executive board.

(f) The Indiana criminal justice institute shall annually appropriate all money in the fund to support the operations

of the task force.

**(g) The Indiana criminal justice institute has no authority to de-appropriate or reallocate any money from the Indiana crime guns task force fund for any purpose outside of the mission of the task force as determined by the executive board of the task force."**

Delete pages 2 through 8.

(Reference is to HB 1558 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

MCNAMARA, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1564, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1564 as introduced.)

Committee Vote: Yeas 13, Nays 0.

BEHNING, Chair

Report adopted.

#### HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1109, 1372, 1392, 1467, 1536 and 1576.

Representative Eberhart, who had been present, is now excused.

#### ENGROSSED HOUSE BILLS ON THIRD READING

##### Engrossed House Bill 1166

Representative Soliday called down Engrossed House Bill 1166 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 105: yeas 71, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Holdman and Houchin.

##### Engrossed House Bill 1168

Representative Karickhoff called down Engrossed House Bill 1168 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 106: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Koch.

##### Engrossed House Bill 1176

Representative Negele called down Engrossed House Bill 1176 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 107: yeas 90, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Freeman.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

##### Engrossed House Bill 1198

Representative McNamara called down Engrossed House Bill 1198 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 108: yeas 85, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator M. Young.

##### Engrossed House Bill 1256

Representative McNamara called down Engrossed House Bill 1256 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 109: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator M. Young.

The Speaker Pro Tempore yielded the gavel to the Speaker.

##### Engrossed House Bill 1305

Representative Slager called down Engrossed House Bill 1305 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 110: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bohacek, Charbonneau, Niemeyer and Tallian.

##### Engrossed House Bill 1353

Representative Speedy called down Engrossed House Bill 1353 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 111: yeas 69, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Freeman and Sandlin.

Representative VanNatter, who had been excused, is now present.

### **Engrossed House Bill 1402**

Representative Schaibley called down Engrossed House Bill 1402 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 112: yeas 91, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Zay, Charbonneau and Brown.

### **Engrossed House Bill 1514**

Representative Cook called down Engrossed House Bill 1514 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 113: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Raatz, Buchanan and Crane.

Representative V. Smith, who had been present, is now excused.

### **Engrossed House Bill 1520**

Representative Soliday called down Engrossed House Bill 1520 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 114: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Koch and Messmer.

### **Engrossed House Bill 1562**

Representative Carbaugh called down Engrossed House Bill 1562 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 115: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Brown and Busch.

### **Engrossed House Bill 1227**

Representative Karickhoff called down Engrossed House Bill

1227 for third reading:

A BILL FOR AN ACT concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 116: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator G. Walker.

## **ENGROSSED SENATE BILLS ON THIRD READING**

### **Engrossed Senate Bill 1**

Representative Torr called down Engrossed Senate Bill 1 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

### **HOUSE MOTION**

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on 3<sup>rd</sup> reading for Senate Bill 1. Pursuant to House Rule 168, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. I am employed by a corporation that has a fiscal interest in the outcome of this legislation.

PORTER

Motion prevailed.

Roll Call 117: yeas 72, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

## **REPORTS FROM COMMITTEES**

### **COMMITTEE REPORT**

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1357, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 3-11-2-10, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) Public questions shall be placed on the general election ballot in the following order after the statement described in section 7 of this chapter, and the instructions described in subsections (d) and (e) and section 8 of this chapter, if instructions are printed on the ballot:

(1) Ratification of a state constitutional amendment.

(2) Local public questions.

Subject to section 10.1 of this chapter, each public question shall be placed in a separate column on the ballot.

(b) The name or title of the political party or independent ticket described in section 6 of this chapter shall be placed on the general election ballot after the public questions described in subsection (a). The device of the political party or

independent ticket shall be placed immediately under the name of the political party or independent ticket. Notwithstanding section 8(b) of this chapter, the instructions for voting a straight party ticket shall be placed to the right of the device on the ballot.

(c) The instructions for voting a straight party ticket must conform as nearly as possible to the following:

"(1) You are not required to vote a straight party ticket. If you do not wish to vote a straight party ticket, do not make a mark in this section, and proceed to voting the ballot by office.

(2) To vote a straight (insert political party name) ticket for all (insert political party name) candidates on this ballot, ~~except for candidates described in (3) below~~; make a voting mark on or in this circle and do not make any other marks on this ballot.

~~(3) To vote for any candidate for an at-large office (insert county council, city common council, town council, or township board if those offices appear on this ballot) to which more than one (1) person may be elected, you must make another voting mark for each candidate you wish to vote for. Your straight party vote will not count as a vote for any candidate for that office.~~

~~(4) (3) If you wish to vote for a candidate seeking a nonpartisan office or on a public question, you must make another voting mark on the appropriate place on this ballot."~~

**(4) This subdivision applies only to paper ballots and ballot card voting systems that do not contain features of an electronic voting system that prevent a voter from casting an overvote in a race with more than one (1) candidate. In addition to the instructions stated in subdivisions (1) through (3), an instruction must be given that conforms as nearly as possible to the following: "To vote for any candidate for an at-large office (insert county council, city common council, town council, or township board if those offices appear on this ballot) to which more than one (1) person may be elected, you must make another voting mark for each candidate you wish to vote for. Your straight party vote will not count as a vote for any candidate for that office."**

(d) Except as permitted under section 8(b) of this chapter, if the ballot contains an independent ticket described in section 6 of this chapter and at least one (1) other independent candidate, the ballot must also contain a statement that reads substantially as follows: "A vote cast for an independent ticket will only be counted for the candidates for President and Vice President or governor and lieutenant governor comprising that independent ticket. This vote will NOT be counted for any OTHER independent candidate appearing on the ballot."

(e) Except as permitted under section 8(b) of this chapter, the ballot must also contain a statement that reads substantially as follows: "A write-in vote will NOT be counted unless the vote is for a DECLARED write-in candidate. To vote for a write-in candidate, you must make a voting mark on or in the square to the left of the name you have written in or your vote will not be counted."

(f) Subject to section 10.1 of this chapter, the list of candidates of the political party shall be placed immediately under the instructions for voting a straight party ticket. The names of the candidates shall be placed three-fourths (3/4) of an inch apart from center to center of the name. The name of each candidate must have, immediately on its left, a square three-eighths (3/8) of an inch on each side.

(g) The circuit court clerk may authorize the printing of ballots containing a ballot variation code to ensure that the proper version of a ballot is used within a precinct.

SECTION 2. IC 3-11-2-12.4, AS ADDED BY P.L.21-2016, SECTION 7, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2021]: Sec. 12.4. (a) This section applies **only**:

**(1) whenever more than one (1) candidate may be elected to an office; and**

**(2) when using paper ballots and ballot card voting systems that do not contain features of an electronic voting system that prevent a voter from casting an overvote in a race with more than one (1) candidate.**

(b) The office shall be placed on the general election ballot after the offices described in section 12 of this chapter and before the offices described in section 12.9 of this chapter.

(c) The ballot shall contain a statement reading substantially as follows above the name of the first candidate: "To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office."

SECTION 3. IC 3-11-2-12.9, AS AMENDED BY P.L.21-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12.9. (a) School board offices to be elected at the general election shall be placed on the general election ballot after the offices described in section 12.4 of this chapter, **if applicable**, with each candidate for the office designated as "nonpartisan".

(b) If the ballot contains a candidate for a school board office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name."

SECTION 4. IC 3-11-7-6, AS AMENDED BY P.L.164-2006, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. A ballot card voting system must count a ballot in accordance with ~~IC 3-12-1-7~~ **IC 3-12-7.1** when a voter votes a straight ticket vote and votes for individual candidates as described by ~~IC 3-12-1-7. IC 3-12-7.1.~~

SECTION 5. IC 3-11-7-11.5, AS AMENDED BY P.L.21-2016, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11.5. A ballot card voting system must permit the counting of write-in votes in accordance with ~~IC 3-12-1-7 and IC 3-12-1-7.5. IC 3-12-7.1.~~

SECTION 6. IC 3-11-7.5-10, AS AMENDED BY P.L.278-2019, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 10. (a) ~~Except as provided in subsection (b),~~ An electronic voting system must permit a voter to vote:

(1) except at a primary election, a straight party ticket for all the candidates of one (1) political party by touching the device of that party;

(2) for one (1) or more candidates of each political party or independent candidates, or for one (1) or more school board candidates nominated by petition;

(3) a split ticket for the candidates of different political parties and for independent candidates; or

(4) a straight party ticket and then split that ticket by casting individual votes for candidates of another political party or independent candidates.

**(b) An electronic voting system must require that a voter who wishes to cast a ballot for a candidate for election to an at-large district to which more than one person may be elected, on a:**

**(1) county council;**

**(2) city common council;**

**(3) town council; or**

**(4) township board;**

**make a voting mark for each individual candidate for whom the voter wishes to cast a vote. The electronic voting system may not count any straight party ticket voting mark as a vote for any candidate for an office described by this subsection.**

**(c) (b) An electronic voting system must permit a voter to vote:**

**(1) for as many candidates for an office as the voter may**

vote for, but no more;

(2) for or against a public question on which the voter may vote, but no other; and

(3) for all the candidates for presidential electors and alternate presidential electors of a political party or an independent ticket by making a single voting mark.

SECTION 7. IC 3-11-14-3.5, AS AMENDED BY P.L.141-2020, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

(1) print all offices and public questions on a single ballot label; and

(2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices and public questions on the general election ballot in the order listed in IC 3-11-2-12, ~~IC 3-11-2-12.4~~, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices and public questions may be listed in a continuous column either vertically or horizontally.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate:

(1) "Vote for one (1) only.", if only one (1) candidate is to be elected to the office.

(2) "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.", ~~To vote for any candidate for this office, you must make a voting mark for each candidate you wish to vote for. A straight party vote will not count as a vote for any candidate for this office.~~; if more than one (1) candidate is to be elected to the office.

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to

be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first public question is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(d), and IC 3-11-2-10(e) may be:

(1) placed on the ballot label; or

(2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

(1) the name of the political party or independent ticket; and

(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket (described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(c) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 must be placed on the ballot label.



The instructions for voting a straight party ticket must include the statement: "If you do not wish to vote a straight party ticket, press "NEXT" (or replace "NEXT" with the term used by that voting system to permit a voter to skip a ballot screen) to continue voting."

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

- (1) do not replace; and
- (2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 8. IC 3-11-14-23, AS AMENDED BY P.L.21-2016, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 23. (a) This section is enacted to comply with 52 U.S.C. 21081 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on an electronic voting system.

(b) If a voter is not challenged by a member of the precinct election board, the voter may pass the railing to the side where an electronic voting system is and into the voting booth. There the voter shall register the voter's vote in secret by indicating:

- (1) the candidates for whom the voter desires to vote by touching a device on or in the squares immediately above the candidates' names;
- (2) if the voter intends to cast a write-in vote, a write-in vote by touching a device on or in the square immediately below the candidates' names and printing the name of the candidate in the window provided for write-in voting; and
- (3) the voter's preference on each public question by touching a device above the word "yes" or "no" under the question.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may cast a straight party ticket by touching that party's device. ~~Except as provided in IC 3-11-7-5-10(b),~~ The voter's vote shall then be counted for all the candidates under that name. However, if the voter casts a vote by touching the circle of an independent ticket comprised of two (2) candidates, the vote shall not be counted for any other independent candidate on the ballot.

(d) As provided by 52 U.S.C. 21081, a voter casting a ballot on an electronic voting system must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

SECTION 9. IC 3-11.5-5-14, AS AMENDED BY P.L.201-2017, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) This section applies to the counting of federal write-in absentee ballots described in IC 3-11-4-12.5.

(b) If a voter writes an abbreviation, a misspelling, or other

minor variation instead of the correct name of a candidate or political party, that vote shall be counted if the intent of the voter can be determined.

(c) If a voter casts a ballot under this section for President or Vice President and writes in the name of a candidate or political party that has not:

- (1) certified a list of presidential electors and alternate presidential electors under IC 3-10-4-5; or
- (2) included a list of presidential electors and alternate presidential electors on the declaration of intent to be a write-in candidate filed by a write-in candidate under IC 3-8-2-2.5;

the vote for President or Vice President is void. The remaining votes on the ballot may be counted.

(d) As required by 52 U.S.C. 20303(b), and except as provided in this section, an absentee ballot subject to this section shall be submitted and processed in the same manner provided by this title for a regular absentee ballot.

~~(e) IC 3-12-1-7 IC 3-12-7.1~~ applies to a ballot subject to this section.

(f) As required under 52 U.S.C. 20303(b), a ballot subject to this section may not be counted if:

(1) the ballot was submitted:

- (A) by an overseas voter who is not an absent uniformed services voter; and
- (B) from within the United States;

(2) the overseas voter's application for a regular absentee ballot was received by the county election board after the applicable absentee ballot application deadline set forth in IC 3-11-4-3;

(3) the voter's completed regular state absentee ballot was received by the county election board by the deadline for receiving absentee ballots under IC 3-11.5-4-7 or IC 3-12-1-17; or

(4) the ballot subject to this section was not received by the county election board by the deadline for receiving absentee ballots under IC 3-11.5-4-7 or IC 3-12-1-17.

(g) If a federal write-in absentee ballot is received by the county election board in an envelope that does not indicate that the envelope contains the ballot, and the envelope is opened by the county election board, the absentee ballot shall nevertheless be counted if otherwise valid. The county election board shall:

- (1) immediately seal the absentee ballot and the envelope in which the ballot was received in a carrier envelope indicating that a voted absentee ballot is enclosed; and
- (2) document the date the absentee ballot was sealed within the carrier envelope, attested to by the signature of each member of the county election board.

SECTION 10. IC 3-11.7-5-15, AS AMENDED BY P.L.201-2017, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) This section applies to the counting of write-in provisional ballots.

(b) If a voter writes an abbreviation, a misspelling, or other minor variation instead of the correct name of a candidate or political party, that vote shall be counted if the intent of the voter can be determined.

(c) If a voter casts a ballot under this section for President or Vice President of the United States and writes in the name of a candidate or political party that has not certified a list of presidential electors and alternate presidential electors under IC 3-10-4-5, the vote for President or Vice President of the United States is void. The remaining votes on the ballot may be counted.

~~(d) IC 3-12-1-7 IC 3-12-7.1 or IC 3-12-7.2, whichever is applicable,~~ applies to write-in provisional ballots.

SECTION 11. IC 3-12-1-5, AS AMENDED BY P.L.278-2019, SECTION 137, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. ~~(a)~~ This subsection does not apply to a ballot card voting system or an electronic voting system. ~~Except as provided in subsection (d),~~

A voting mark made by a voter on or in a voting square at the left of a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party.

(b) This subsection applies to a ballot card voting system: A voting mark made by a voter:

(1) on or in a circle, oval; or square; or

(2) to connect a connectable arrow;

immediately below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party; except as provided in subsection (d).

(c) This subsection applies to a direct record electronic voting system: A voting mark made by a voter touching a touch sensitive point or button below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party; except as provided in subsection (d).

(d) A voter who wishes to cast a ballot for a candidate for election to an at-large district to which more than one (1) person may be elected on a:

(1) county council;

(2) city common council;

(3) town council; or

(4) township board;

must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A straight ticket voting mark on a paper ballot, ballot card voting system, or electronic voting system shall not be counted as a straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

SECTION 12. IC 3-12-1-7 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 7: (a) This subsection applies whenever a voter:

(1) votes a straight party ticket; and

(2) votes only for one (1) or more individual candidates who are all of the same political party as the straight ticket vote.

Except as provided in subsection (d) or (e), the straight ticket vote shall be counted and the individual candidate votes may not be counted.

(b) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party;

(2) only one (1) person may be elected to an office; and

(3) the voter has voted for one (1) individual candidate for the office described in subdivision (2) who is:

(A) a candidate of a political party other than the party for which the voter voted a straight ticket; or

(B) an independent candidate or declared write-in candidate for the office.

If the voter has voted for one (1) individual candidate for the office described in subdivision (2), the individual candidate vote for that office shall be counted; the straight party ticket vote for that office may not be counted; and the straight party ticket votes for other offices on the ballot shall be counted.

(c) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party; and

(2) the voter has voted for more individual candidates for the office than the number of persons to be elected to that office.

The individual candidate votes for that office may not be counted; the straight party ticket vote for that office may not be counted; and the straight party ticket votes for other offices on the ballot shall be counted.

(d) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party;

(2) more than one (1) person may be elected to an office;

and

(3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

(A) independent candidates or declared write-in candidates;

(B) candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); or

(C) a combination of candidates described in clauses (A) and (B).

The individual votes cast by the voter for the office for the independent candidates; declared write-in candidates; and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted unless the total number of these individual votes is greater than the number of persons to be elected to the office. The straight party ticket votes for the office shall not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

(e) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party;

(2) more than one (1) person may be elected to an office; and

(3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

(A) independent candidates; declared write-in candidates; or candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); and

(B) candidates of the same political party for which the voter cast a straight party ticket under subdivision (1).

The individual votes cast by the voter for the office for the independent candidates; the declared write-in candidates; and the candidates of a political party other than the political party for which the voter cast a straight party ticket; and the candidates of the political party for which the voter cast a straight party ticket shall be counted unless the total number of these individual votes is greater than the number of persons to be elected to the office. The straight party ticket votes for the office shall not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

(f) If a voter votes a straight party ticket for more than one (1) political party, the whole ballot is void with regard to all candidates nominated by a political party; declared write-in candidates; or candidates designated as independent candidates on the ballot. However, the voter's vote for a school board candidate or on a public question shall be counted if otherwise valid under this chapter.

(g) If a voter does not vote a straight party ticket and the number of votes cast by that voter for the candidates for an office are less than or equal to the number of openings for that office, the individual candidate votes shall be counted.

(h) If a voter does not vote a straight party ticket and the number of votes cast by that voter for an office exceeds the number of openings for that office, none of the votes concerning that office may be counted.

SECTION 13. IC 3-12-1-7.5 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 7.5: (a) If a voter votes for one (1) individual candidate for an office for which only one (1) person may be elected and also writes in the name of another candidate for the same office, neither vote may be counted.

(b) If a voter votes for at least one (1) individual candidate for an office for which at least two (2) people may be elected and also writes in the name of at least one (1) candidate, the vote for that office may not be counted unless the number of individual votes cast for the office; when added to the number of write-in votes cast for that office; is less than or equal to the number of seats available for that office.

(c) If a voter votes an individual or a straight party vote for

a candidate for an office and also writes in the name of the same candidate for the same office; only one (1) vote for that candidate may be counted:

SECTION 14. IC 3-12-1-8 IS REPEALED [EFFECTIVE JULY 1, 2021]. Sec. 8: (a) Except as provided in subsection (b); a voting mark made by a voter on or in a circle containing a political party device shall be counted as a vote for each candidate of that political party on that ballot.

(b) A voter who wishes to cast a ballot for a candidate for election to an at-large district to which more than one (1) person may be elected on a:

- (1) county council;
- (2) city common council;
- (3) town council; or
- (4) township board;

must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A voting mark on or in a circle containing a political party device shall not be counted as a straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

SECTION 15. IC 3-12-2-7.5, AS AMENDED BY P.L.278-2019, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7.5. (a) This section applies to the counting of federal write-in absentee ballots described in IC 3-11-4-12.5.

(b) If a voter writes an abbreviation, misspelling, or other minor variation instead of the correct name of a candidate or political party, that vote shall be counted if the intent of the voter can be determined.

(c) If a voter casts a ballot under this section for President or Vice President of the United States and writes in the name of a candidate or political party that has not:

- (1) certified a list of presidential electors and alternate presidential electors under IC 3-10-4-5; or
- (2) included a list of presidential electors and alternate presidential electors on the declaration for candidacy filed by a write-in candidate under IC 3-8-2-2.5;

the vote for President or Vice President is void. The remaining votes on the ballot may be counted.

(d) As required by 52 U.S.C. 20303(b), and except as provided in this section, an absentee ballot subject to this section shall be submitted and processed in the same manner provided by this title for a regular absentee ballot.

(e) ~~IC 3-12-1-7~~ IC 3-12-7.1 applies to a ballot subject to this section.

(f) As required by 52 U.S.C. 20303(b), a ballot subject to this section may not be counted if:

- (1) the ballot was submitted:
  - (A) by an overseas voter who is not an absent uniformed services voter; and
  - (B) from within the United States;
- (2) the overseas voter's application for a regular absentee ballot was received by the county election board after the applicable absentee ballot application deadline set forth in IC 3-11-4-3;
- (3) the voter's completed regular state absentee ballot was received by the county election board by the deadline for receiving absentee ballots under IC 3-11.5-4-10 or IC 3-12-1-17; or
- (4) the ballot subject to this section was not received by the county election board by the deadline for receiving absentee ballots under IC 3-11.5-4-10 or IC 3-12-1-17.

(g) If a federal write-in absentee ballot is received by the county election board in an envelope that does not indicate that the envelope contains the ballot, and the envelope is opened by the county election board, the absentee ballot shall nevertheless be counted if otherwise valid. The county election board shall:

- (1) immediately seal the absentee ballot and the envelope in which the ballot was received in a carrier envelope indicating that a voted absentee ballot is enclosed; and

(2) document the date the absentee ballot was sealed within the carrier envelope, attested to by the signature of each member of the county election board.

SECTION 16. IC 3-12-4-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6.3. (a) Beginning at 8 p.m. prevailing local time on election day, and at least once every one hundred and twenty (120) minutes later until midnight prevailing local time, the county election board shall enter unofficial results for offices elected by all voters of the state and for legislative offices canvassed by the county election board under this chapter into the computerized list as those unofficial results are tabulated.

(b) The county:

- (1) may continue entering unofficial results after midnight; and
- (2) shall resume entry of any remaining unofficial results beginning at 9 a.m. prevailing local time on the day after election day and continue entering these results at least once every sixty (60) minutes until the entry of unofficial results is completed.

SECTION 17. IC 3-12-7.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

**Chapter 7.1. Counting Votes and Straight Party Votes Cast on a Paper Ballot or on a Ballot Card Voting System**

Sec. 1. This chapter applies only to counting votes on a paper ballot or on a ballot card voting system that do not contain features of an electronic voting system that prevent a voter from casting an overvote in a race with more than one (1) candidate.

Sec. 2. (a) Except as provided in subsection (b), a voting mark made by a voter on or in a circle containing a political party device shall be counted as a vote for each candidate of that political party on that ballot.

(b) A voter who wishes to cast a ballot for a candidate for election to an at-large district to which more than one (1) person may be elected on a:

- (1) county council;
- (2) city common council;
- (3) town council; or
- (4) township board;

must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A voting mark on or in a circle containing a political party device shall not be counted as a straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

Sec. 3. (a) A voting mark made by a voter:

- (1) on or in a circle, oval, or square; or
- (2) to connect a connectable arrow;

immediately below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party except as provided in subsection (b).

(b) A voter who wishes to cast a ballot for a candidate for election to an at-large district to which more than one (1) person may be elected on a:

- (1) county council;
- (2) city common council;
- (3) town council; or
- (4) township board;

must make a voting mark for each individual candidate for whom the voter wishes to cast a vote. A straight ticket voting mark shall not be counted as a straight party ticket voting mark as a vote for any candidate for an office described by this subsection.

Sec. 4. (a) This section applies whenever a voter:

- (1) votes a straight party ticket; and
- (2) votes only for one (1) or more individual candidates who are all of the same political party as the straight ticket vote.

(b) Except as provided in section 6.2 or 6.4 of this chapter, the straight ticket vote shall be counted and the individual candidate votes may not be counted.

Sec. 5. (a) This section applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) only one (1) person may be elected to an office; and
- (3) the voter has voted for one (1) individual candidate for the office described in subdivision (2) who is:
  - (A) a candidate of a political party other than the party for which the voter voted a straight ticket; or
  - (B) an independent candidate or declared write-in candidate for the office.

(b) If the voter has voted for one (1) individual candidate for the office described in subsection (a)(2), the individual candidate vote for that office shall be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

Sec. 6. (a) This section applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party; and
- (2) the voter has voted for more individual candidates for the office than the number of persons to be elected to that office.

(b) The individual candidate votes for that office may not be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

Sec. 6.2. (a) This section applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) more than one (1) person may be elected to an office; and
- (3) the voter has voted for individual candidates for the office described in subdivision (2) who are:
  - (A) independent candidates or declared write-in candidates;
  - (B) candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); or
  - (C) a combination of candidates described in clauses (A) and (B).

(b) The individual votes cast by the voter for the office for the independent candidates, declared write-in candidates, and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted unless the total number of these individual votes is greater than the number of persons to be elected to the office. The straight party ticket votes for the office shall not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

Sec. 6.4. (a) This section applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) more than one (1) person may be elected to an office; and
- (3) the voter has voted for individual candidates for the office described in subdivision (2) who are:
  - (A) independent candidates, declared write-in candidates, or candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); and
  - (B) candidates of the same political party for which the voter cast a straight party ticket under subdivision (1).

(b) The individual votes cast by the voter for the office for the independent candidates, the declared write-in candidates, and the candidates of a political party other than the political party for which the voter cast a straight party ticket and the candidates of the political party for

which the voter cast a straight party ticket shall be counted, unless the total number of these individual votes is greater than the number of persons to be elected to the office. The straight party ticket votes for the office shall not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

Sec. 7. If a voter votes a straight party ticket for more than one (1) political party, the whole ballot is void with regard to all candidates nominated by a political party, declared write-in candidates, or candidates designated as independent candidates on the ballot. However, the voter's vote for a school board candidate or on a public question shall be counted if otherwise valid under this chapter.

Sec. 8. If a voter does not vote a straight party ticket and the number of votes cast by that voter for the candidates for an office are less than or equal to the number of openings for that office, the individual candidates votes shall be counted.

Sec. 9. If a voter does not vote a straight party ticket and the number of votes cast by that voter for an office exceeds the number of openings for that office, none of the votes concerning that office may be counted.

Sec. 10. (a) If a voter votes for one (1) individual candidate for an office for which only one (1) person may be elected and also writes in the name of another candidate for the same office, neither vote may be counted.

(b) If a voter votes for at least one (1) individual candidate for an office for which at least two (2) people may be elected and also writes in the name of at least one (1) candidate, the vote for that office may not be counted unless the number of individual votes cast for the office, when added to the number of write-in votes cast for that office, is less than or equal to the number of seats available for that office.

(c) If a voter votes an individual or a straight party vote for a candidate for an office and also writes in the name of the same candidate for the same office, only one (1) vote for that candidate may be counted.

SECTION 18. IC 3-12-7.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

#### Chapter 7.2. Counting Votes and Straight Party Votes Cast on Electronic Voting Systems

Sec. 1. This chapter applies only to counting straight party votes on an electronic voting system or a ballot card voting system that contains features of an electronic voting system that prevent a voter from casting an overvote in a race with more than one (1) candidate.

Sec. 2. A voting mark made by a voter on or in a circle containing a political party device shall be counted as a vote for each candidate of that political party on that ballot.

Sec. 3. A voting mark made by a voter touching a touch sensitive point or button below or beside a candidate's name or political party's name shall be counted as a vote for the candidate or candidates of the political party.

Sec. 4. (a) This section applies whenever a voter:

- (1) votes a straight party ticket; and
- (2) votes only for one (1) or more individual candidates who are all of the same political party as the straight ticket vote.

(b) The straight ticket vote shall be counted and the individual candidate votes may not be counted.

Sec. 5. (a) This section applies whenever:

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) only one (1) person may be elected to an office; and
- (3) the voter has voted for one (1) individual candidate for the office described in subdivision (2) who is:

- (A) a candidate of a political party other than the party for which the voter voted a straight ticket; or
- (B) an independent candidate or declared write-in

candidate for the office.

(b) If the voter has voted for one (1) individual candidate for the office described in subsection (a)(2), the individual candidate vote for that office shall be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

Sec. 6. (a) This section applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party; and

(2) the voter has voted for more individual candidates for the office than the number of persons to be elected to that office.

(b) The individual candidate votes for that office may not be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

Sec. 7. If a voter votes a straight party ticket for more than one (1) political party, the whole ballot is void with regard to all candidates nominated by a political party, declared write-in candidates, or candidates designated as independent candidates on the ballot. However, the voter's vote for a school board candidate or on a public question shall be counted if otherwise valid under this chapter.

Sec. 8. If a voter does not vote a straight party ticket and the number of votes cast by that voter for the candidates for an office are less than or equal to the number of openings for that office, the individual candidates votes shall be counted.

Sec. 9. If a voter does not vote a straight party ticket and the number of votes cast by that voter for an office exceeds the number of openings for that office, none of the votes concerning that office may be counted.

Sec. 10. (a) If a voter votes a straight party ticket for at least one (1) office for which only one (1) person may be elected and writes in the name of a candidate, the straight party ticket vote shall be counted for all offices except the offices for which a write-in vote was cast. The write-in vote shall be counted if the voter's intent can be determined.

(b) If a voter votes a straight party ticket for an office for which at least two (2) people may be elected and writes in the name of a candidate, the straight party vote for that office may not be counted unless:

(1) fewer candidates appear on the party's ticket than may be elected; and

(2) the voter has not written in a number of names that, when added to the straight party candidate's name, would be greater than the number of seats available for that office.

(c) If a voter votes for one (1) individual candidate for an office for which only one (1) person may be elected and also writes in the name of another candidate for the same office, neither vote may be counted.

(d) If a voter votes for at least one (1) individual candidate for an office for which at least two (2) people may be elected and also writes in the name of at least one (1) candidate, the vote for that office may not be counted unless the number of individual votes cast for the office, when added to the number of write-in votes cast for that office, is less than or equal to the number of seats available for that office.

(e) If a voter votes an individual or a straight party vote for a candidate for an office and also writes in the name of the same candidate for the same office, only one (1) vote for that candidate may be counted."

Delete pages 2 through 6.

Renumber all SECTIONS consecutively.

(Reference is to HB 1357 as introduced.)  
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

WESCO, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions and Insurance, to which was referred House Bill 1421, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 4 through 42.

Delete pages 3 through 5.

Page 6, delete lines 1 through 23.

Page 9, delete lines 17 through 42.

Delete page 10.

Page 11, delete lines 1 through 20, begin a new paragraph and insert:

"SECTION 3. IC 16-21-17-0.5, AS ADDED BY P.L.93-2020, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 0.5. As used in this chapter, "weighted average negotiated charge" means the amount determined in STEP SIX of the following formula with respect to a particular procedure:

STEP ONE: For each insurer with whom ~~the hospital or~~ an ambulatory outpatient surgical center negotiates a charge for a particular procedure, determine the percentage of the ~~hospital's patients or the~~ ambulatory outpatient surgical center's patients insured by the insurer in the previous calendar year rounded to a whole percentage.

STEP TWO: Multiply each percentage determined under STEP ONE by one hundred (100) and express the results as whole numbers so that the sum of the percentage points determined under STEP ONE is one hundred (100).

STEP THREE: For a particular procedure, determine the amount of the negotiated charge for the procedure for each insurer described in STEP ONE.

STEP FOUR: For each insurer described in STEP ONE, multiply the STEP THREE amount determined for a particular procedure by the result determined under STEP TWO for that insurer.

STEP FIVE: For a particular procedure, determine the sum of the amounts determined under STEP FOUR for all of the insurers described in STEP ONE with respect to that procedure.

STEP SIX: For a particular procedure, determine the quotient of:

(A) the sum determined under STEP FIVE for that procedure; divided by

(B) one hundred (100).

SECTION 4. IC 16-21-17-1, AS AMENDED BY P.L.93-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2021 (RETROACTIVE)]: Sec. 1. (a) Not later than March 31, 2021, ~~a hospital and~~ an ambulatory outpatient surgical center shall post on the Internet web site of the ~~hospital or~~ ambulatory outpatient surgical center pricing and other information specified in this chapter for the following:

(1) For as many of the seventy (70) shoppable services specified in the final rule of the Centers for Medicare and Medicaid Services published in 84 FR 65524 that are provided by the ~~hospital or~~ ambulatory outpatient surgical center.

(2) In addition to the services specified in subdivision (1), the thirty (30) most common services that are provided by the ~~hospital or~~ ambulatory outpatient surgical center not included in subdivision (1).

(b) The following information, to the extent applicable, must be included on the Internet web site by ~~a hospital and~~ an ambulatory outpatient surgical center for the shoppable and

common services described in subsection (a):

- (1) A description of the shoppable and common service.
- (2) The weighted average negotiated charge per service per provider type for each of the following categories:
  - (A) Any nongovernment sponsored health benefit plan or insurance plan provided by a health carrier in which the provider is in the network.
  - (B) Medicare, including fee for service and Medicare Advantage.
  - (C) Self-pay without charitable assistance from the hospital or ambulatory outpatient surgical center.
  - (D) Self-pay with charitable assistance from the hospital or ambulatory outpatient surgical center.
  - (E) Medicaid, including fee for service and risk based managed care.

(c) If:

- (1) the federal Hospital Price Transparency Rule is repealed; or
- (2) federal enforcement of the federal Hospital Price Transparency Rule is stopped;

the state health commissioner shall notify the legislative council of the occurrence referred to in subdivision (1) or (2) in an electronic format under IC 5-14-6.

(d) This subsection takes effect when the legislative council receives a notification from the state health commissioner under subsection (c). A hospital shall post pricing information in compliance with the federal Hospital Price Transparency Rule of the federal Centers for Medicare and Medicaid Services as published at 84 FR 65524 and in effect on January 1, 2021."

Page 11, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 6. IC 27-1-37-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 0.2. As used in this chapter, "affiliate" means any person who, directly or indirectly through one (1) or more intermediaries, controls, is controlled by, or is under common control with, the person to whom affiliation is attributed."

Page 12, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 8. IC 27-1-37-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. As used in this chapter, "health provider contract" means an agreement with a provider or a health provider facility relating to terms and conditions of reimbursement for health care services provided to an individual under:

- (1) an employee welfare benefit plan (as defined in 29 U.S.C. 1002 et seq.);
- (2) a policy of accident and sickness insurance (as defined in IC 27-8-5-1);
- (3) a contract with a health maintenance organization;
- (4) a self-insurance program established under IC 5-10-8-7(b); or
- (5) a prepaid health care delivery plan entered into under IC 5-10-8-7(c).

SECTION 9. IC 27-1-37-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.2. (a) As used in this chapter, "health provider facility" means any of the following:

- (1) A hospital, as defined in IC 16-18-2-179(a).
- (2) A hospital system.
- (3) An affiliate of a hospital or hospital system.

SECTION 10. IC 27-1-37-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3.5. As used in this chapter, "hospital system" means:

- (1) a parent corporation of at least one (1) hospital and any entity affiliated with the parent corporation

through ownership, governance, or membership; or  
(2) a hospital and any entity affiliated with the hospital through ownership, governance, or membership."

Page 12, delete lines 39 through 42.

Page 13, delete lines 1 through 36, begin a new paragraph and insert:

"SECTION 12. IC 27-1-37-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) This section applies to a health provider contract entered into, amended, or renewed after June 30, 2021.

(b) A health provider contract, including a contract with a pharmacy benefit manager, may not contain a provision that does any of the following:

- (1) Limits the ability of either the health carrier or the health provider facility to disclose the allowed amount and fees of services to any insured (as defined in IC 27-8-5.8-3) or enrollee (as defined in IC 27-13-1-12), or to the treating health provider facility or physician of the insured or enrollee.
- (2) Limits the ability of either the health carrier or the health provider facility to disclose out-of-pocket costs to an insured (as defined in IC 27-8-5.8-3) or an enrollee (as defined in IC 27-13-1-12).

(c) Any provision of a health provider contract that includes a provision described in subsection (b) in violation of this section is severable and the provision in violation is null and void. The remaining provisions of the health provider contract, excluding the provision in violation of this section, remain in effect and are enforceable.

(d) The attorney general may issue a civil investigative demand to obtain information from a party of, or pertaining to, a health provider contract and compliance of this section.

SECTION 13. [EFFECTIVE UPON PASSAGE] (a) Before September 1, 2021, the department of insurance shall issue a report to:

- (1) the legislative council; and
- (2) the interim study committees on:
  - (A) financial institutions and insurance; and
  - (B) public health, behavioral health, and human services;

established by IC 2-5-1.3-4; setting forth suggestions for revising the rules adopted under IC 27-1-34-9 to reduce the regulatory costs incurred by employers seeking to provide health coverage for their employees through multiple employer welfare arrangements. The report must be submitted in an electronic format under IC 5-14-6.

(b) This SECTION expires January 1, 2022.

SECTION 14. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate interim study committee the task of studying the rising cost and prices of health care services in Indiana. An interim study committee assigned a study under this SECTION shall consider:

- (1) how legislation enacted by the general assembly in recent sessions enhancing the transparency of the pricing of health care services has affected the marketplace; and
  - (2) additional steps that should be taken to lower health care prices, including market-driven solutions.
- (b) This SECTION expires January 1, 2022.

SECTION 15. [EFFECTIVE UPON PASSAGE] (a) The legislative services agency shall perform or commission the performance of a study of market concentration in Indiana in the following:

- (1) The health insurance industry.
- (2) The hospital industry.
- (3) The professions of licensed health care practitioners.
- (4) The retail pharmaceutical industry.

(5) The pharmacy benefit manager industry.

(b) Before September 1, 2021, the legislative services agency shall present the findings of the study conducted under subsection (a) in an electronic format under IC 5-14-6 to the following:

(1) The combined interim study committees on:

- (A) financial institutions and insurance; and
- (B) public health, behavioral health, and human services;

established by IC 2-5-1.3-4.

(2) The legislative council.

(3) The office of the governor.

(c) This SECTION expires January 1, 2022."

Renumber all SECTIONS consecutively.

(Reference is to HB 1421 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

CARBAUGH, Chair

Report adopted.

#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions and Insurance, to which was referred House Bill 1447, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 25-1-9-23, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 23. (a) This section does not apply to emergency services.

(b) As used in this section, "covered individual" means an individual who is entitled to be provided health care services at a cost established according to a network plan.

(c) As used in this section, "emergency services" means services that are:

- (1) furnished by a provider qualified to furnish emergency services; and
- (2) needed to evaluate or stabilize an emergency medical condition.

(d) As used in this section, "in network practitioner" means a practitioner who is required under a network plan to provide health care services to covered individuals at not more than a preestablished rate or amount of compensation.

(e) As used in this section, "network plan" means a plan under which facilities and practitioners are required by contract to provide health care services to covered individuals at not more than a preestablished rate or amount of compensation.

(f) As used in this section, "out of network" means that the health care services provided by the practitioner to a covered individual are not subject to the covered individual's health carrier network plan.

(g) As used in this section, "practitioner" means the following:

(1) An individual licensed under IC 25 who provides professional health care services to individuals in a facility who holds:

- (A) an unlimited license, certificate, or registration;
- (B) a limited or probationary license, certificate, or registration;
- (C) a temporary license, certificate, registration, or permit;
- (D) an intern permit; or
- (E) a provisional license;

issued by the board (as defined in IC 25-0.5-11-1) regulating the profession in question.

(2) An organization:

(A) that consists of practitioners described in subdivision (1); and

(B) through which practitioners described in subdivision (1) provide health care services.

(2) An entity that:

- (A) is not a facility; and owned by, or employs; or
- (B) performs billing for professional health care services rendered by;

an individual described in subdivision (1).

(B) employs practitioners described in subdivision (1) to provide health care services.

The term does not include a dentist licensed under IC 25-14, an optometrist licensed under IC 25-24, or a provider facility (as defined in IC 25-1-9.8-10).

(h) An in network practitioner who provides covered health care services to a covered individual may not charge more for the covered health care services than allowed according to the rate or amount of compensation established by the individual's network plan.

(i) This subsection is effective beginning July 1, 2021. January 1, 2022. Except as provided in subsection (b), (m), (n), a practitioner shall provide to a covered individual, at least five (5) business days before the health care service is scheduled to be provided to the covered individual, a good faith estimate of the amount that the practitioner intends to charge the covered individual for the health care service and in compliance with IC 25-1-9.8-14(a). A practitioner may satisfy the requirements of this subsection by complying with the requirements set forth in Section 2799B-6 of the Public Health Service Act, as added by Public Law 116-260.

(j) An out of network practitioner who provides health care services at an in network facility to a covered individual may not be reimbursed more for the health care services than allowed according to the rate or amount of compensation established by the covered individual's network plan unless all of the following conditions are met:

(1) At least five (5) business days before the health care services are scheduled to be provided to the covered individual, the practitioner provides to the covered individual, on a form separate from any other form provided to the covered individual by the practitioner, a statement in conspicuous type at least as large as 14 point type that meets the following requirements:

(A) Includes a notice reading substantially as follows: "[Name of practitioner] intends to charge you more for [name or description of health care services] than allowed according to the rate or amount of compensation established by the network plan applying to your coverage. is an out of network practitioner providing [type of care] with [name of in network facility], which is an in network provider facility within your health carrier's plan. [Name of practitioner] is not entitled to charge this much for [name or description of health care services] will not be allowed to bill you the difference between the price charged by the practitioner and the rate your health carrier will reimburse for the services during your care at [name of in network facility] unless you give your written consent to the charge."

(B) Sets forth the practitioner's good faith estimate of the amount that the practitioner intends to charge for the health care services provided to the covered individual.

(C) Includes a notice reading substantially as follows concerning the good faith estimate set forth under clause (B): "The estimate of our intended charge for [name or description of health care services] set forth in this statement is provided in good faith and is our best estimate of the amount we will charge. If our actual charge for [name or description of health care



services] exceeds our estimate **by more than one hundred dollars (\$100) or five percent (5%)**, we will explain to you why the charge exceeds the estimate."

(2) The covered individual signs the statement provided under subdivision (1), signifying the covered individual's consent to the charge for the health care services being greater than allowed according to the rate or amount of compensation established by the network plan.

~~(j)~~ **(k)** If an out of network practitioner does not meet the requirements of subsection ~~(i)~~, **(j)**, the out of network practitioner shall include on any bill remitted to a covered individual a written statement in ~~14 point~~ **conspicuous** type stating that the covered individual is not responsible for more than the rate or amount of compensation established by the covered individual's network plan plus any required copayment, deductible, or coinsurance.

~~(k)~~ **(l)** If a covered individual's network plan remits reimbursement to the covered individual for health care services subject to the reimbursement limitation of subsection ~~(i)~~, **(j)**, the network plan shall provide with the reimbursement a written statement in ~~14 point~~ **conspicuous** type that states that the covered individual is not responsible for more than the rate or amount of compensation established by the covered individual's network plan and that is included in the reimbursement plus any required copayment, deductible, or coinsurance.

~~(l)~~ **(m)** If the charge of a practitioner for health care services provided to a covered individual exceeds the estimate provided to the covered individual under subsection ~~(i)(1)(B)~~, **(j)(1)(B)** **by an amount greater than:**

- (1) one hundred dollars (\$100); or**
- (2) five percent (5%);**

the facility or practitioner shall explain in a writing provided to the covered individual why the charge exceeds the estimate.

~~(m)~~ **(n)** An in network practitioner is not required to provide a covered individual with the good faith estimate required under subsection ~~(h)~~ **(i)** if the nonemergency health care service is scheduled to be performed by the practitioner within five (5) business days after the health care service is ordered.

~~(n)~~ **(o)** The department of insurance shall adopt emergency rules under IC 4-22-2-37.1 to specify the requirements of the notifications set forth in subsections ~~(j)~~ **(k)** and ~~(k)~~ **(l)**.

SECTION 2. IC 25-1-9.8-2, AS ADDED BY P.L.93-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. As used in this chapter, "good faith estimate" means a reasonable estimate of the price ~~a practitioner~~ **each provider** anticipates charging for an episode of care for nonemergency health care services that:

(1) is made by a practitioner **or provider facility** under this chapter upon the request of:

- (A) the individual for whom the nonemergency health care service has been ordered; or
- (B) the provider facility in which the nonemergency health care service will be provided; and

(2) is not binding upon the ~~practitioner~~ **provider**.

SECTION 3. IC 25-1-9.8-8, AS ADDED BY P.L.93-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) As used in this chapter, "practitioner" means **the following**:

**(1) An individual or entity duly licensed or legally authorized to provide health care services: who holds:**

- (A) an unlimited license, certificate, or registration;**
- (B) a limited or probationary license, certificate, or registration;**
- (C) a temporary license, certificate, registration, or permit;**
- (D) an intern permit; or**
- (E) a provisional license;**

**issued by the board (as defined in IC 25-0.5-11-1) regulating the profession in question.**

**(2) An entity that:**

**(A) is owned by, or employs; or**

**(B) performs billing for professional health care services rendered by;**

**an individual described in subdivision (1).**

(b) The term does not include the following:

- (1) A dentist licensed under IC 25-14.
- (2) An optometrist licensed under IC 25-24.

**(3) A provider facility.**

SECTION 4. IC 25-1-9.8-14, AS ADDED BY P.L.93-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 14. (a) A good faith estimate provided by a practitioner to an individual under this chapter must meet the following requirements:

(1) Provide a summary of the services and material items that the good faith estimate is based on.

(2) Include:

(A) the price charged for the services and material items that the practitioner will provide and charge the individual; and

(B) the price that the provider facility in which the health care service will be performed charged for:

(i) the use of the provider facility to care for the individual for the nonemergency health care service;

(ii) the services rendered by the **employed or contracted** the staff of the provider facility in connection with the nonemergency health care service; and

(iii) medication, supplies, equipment, and material items to be provided to or used by the individual while the individual is present in the provider facility in connection with the nonemergency health care service;

for imaging, laboratory services, diagnostic services, therapy, observation services, and other services expected to be provided to the individual for the episode of care.

(3) Include a total figure that is a sum of the estimated prices referred to in subdivisions (1) and (2).

(b) Subsection (a) does not prohibit a practitioner from providing to an individual a good faith estimate that indicates how much of the total figure stated under subsection (a)(2) will be the individual's out-of-pocket expense after the health carrier's payment of charges.

(c) A health carrier and a provider facility must provide a practitioner with the information needed by the practitioner to comply with the requirements under this chapter not more than two (2) business days after receiving the request. The provider facility shall provide the practitioner with all relevant information for services and costs for the good faith estimate that are to be provided by the provider facility for inclusion in a good faith estimate by the practitioner.

(d) A practitioner is not subject to the penalties under section 19 of this chapter if:

(1) a health carrier or provider facility fails to provide the practitioner with the information as required under subsection (c);

(2) the practitioner provides the individual with a good faith estimate based on any information that the practitioner has; and

(3) the practitioner provides the individual with an updated good faith estimate after the health carrier or provider facility has provided the information required under subsection (c).

SECTION 5. IC 25-1-9.8-16, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. (a) A practitioner that has **scheduled or ordered** the for an individual for a nonemergency health care service shall provide to the individual an electronic or paper copy of a written notice that states the following, or words to the same effect: "A patient may

at any time ask a health care provider for an estimate of the price the health care providers and health facility will charge for providing a nonemergency medical service. The law requires that the estimate be provided within 5 business days **unless the nonemergency health care service is scheduled to be performed by the practitioner within 5 business days of the date of the patient's request.**"

(b) The appropriate board (as defined in IC 25-1-9-1) may adopt rules under IC 4-22-2 to establish requirements for practitioners to provide additional charging information under this section.

SECTION 6. IC 25-1-9.8-18, AS ADDED BY P.L.93-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 18. (a) **As used in this section, "waiting room" means a space in a building used by a practitioner in which people check in or register to:**

- (1) be seen by practitioners; or
- (2) meet with members of the staff of a practitioner's office.

(b) **A practitioner shall ensure that each waiting room of the practitioner's office includes at least one (1) printed notice that:**

- (1) is designed, lettered, and positioned within the waiting room so as to be conspicuous to and readable by any individual with normal vision who visits the waiting room; and

- (2) states the following, or words to the same effect: "A patient may ask for an estimate of the amount the patient will be charged for a nonemergency medical service provided in this practitioner office. The law requires that an estimate be provided within 5 business days."

(c) **If a practitioner maintains an Internet web site, the practitioner shall ensure that the Internet web site includes at least one (1) printed notice that:**

- (1) is designed, lettered, and featured on the Internet web site so as to be conspicuous to and readable by any individual with normal vision who visits the Internet web site; and
- (2) states

(a) **Each provider must make diligent attempts to ensure that the patient is aware of the patient's right to request a good faith estimate under this chapter. The communication by each provider of information to the patient concerning the right to a good faith estimate must be conspicuous and must be provided by at least three (3) of the following means:**

- (1) Notice on the provider's Internet web site.
- (2) On hold messaging.
- (3) Waiting room notification.
- (4) Preappointment reminders, including through electronic mail (email) or text messaging.
- (5) During appointment or services check in.
- (6) During appointment or services check out.
- (7) During patient financial services or billing department inquiries.
- (8) Through an electronic medical and patient communication portal.

(b) **The communication required under subsection (a) must state the following, or words to the same effect: "A patient may ask for an estimate of the amount the patient will be charged for a nonemergency medical service provided in our office. The law requires that an estimate be provided within 5 business days unless the nonemergency health care service is scheduled to be performed by the practitioner within 5 business days of the date of the patient's request."**

SECTION 7. IC 25-1-9.8-19, AS ADDED BY P.L.93-2020, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 19. The appropriate board (as defined in IC 25-1-9-1) may take action against a practitioner:

- (1) under IC 25-1-9-9(a)(3) or IC 25-1-9-9(a)(4) for an

initial violation or isolated violations of this chapter; or  
(2) under IC 25-1-9-9(a)(6) for repeated or persistent violations of this chapter;

concerning the providing of a good faith estimate to an individual for whom a nonemergency health care service has been ordered or the providing of notice in the practitioner's waiting room or on the practitioner's Internet web site that a patient may at any time ask for an communication to a patient under section 18 of this chapter of information concerning the patient's right to a good faith estimate of the price that the patient will be charged for a medical service.

SECTION 8. IC 27-1-45-5, AS ADDED BY P.L.93-2020, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 5. (a) As used in this chapter, "practitioner" means the following:

- (1) An individual: ~~licensed under IC 25~~

(A) who holds:

- (i) an unlimited license, certificate, or registration;
- (ii) a limited or probationary license, certificate, or registration;
- (iii) a temporary license, certificate, registration, or permit;
- (iv) an intern permit; or
- (v) a provisional license;

issued by the board (as defined in IC 25-0.5-11-1) regulating the profession in question; and

(B) who provides professional health care services to individuals in a facility.

- (2) An organization: ~~entity that:~~

- (A) that consists of practitioners described in subdivision (1); and is owned by, or employs; or
- (B) through which practitioners described in subdivision (1) provide health care services: performs billing for professional health care services rendered by;

an individual described in subdivision (1).

- (3) ~~An entity that:~~

- (A) is not a facility; and
- (B) employs practitioners described in subdivision (1) to provide health care services.

- (b) **The term does not include the following:**

- (1) A dentist licensed under IC 25-14.
- (2) An optometrist licensed under IC 25-24.
- (3) A provider facility.

SECTION 9. IC 27-1-45-7, AS ADDED BY P.L.93-2020, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) This section is effective beginning July 1, 2021.

- (b) Except as provided in subsection (c), a:

- (1) facility; and
- (2) practitioner;

shall provide to a covered individual, at least five (5) business days before a health care service is scheduled to be provided by the facility or practitioner to the covered individual, a good faith estimate of the amount that the facility or practitioner intends to charge for each health care service to be provided to the covered individual and in compliance with IC 27-1-46-11(c).

(c) A facility or a practitioner is not required to provide the good faith estimate required in subsection (b) if the health care service to be provided to the covered individual is scheduled to be performed within five (5) business days after the health care service is ordered.

SECTION 10. IC 27-1-45-8, AS ADDED BY P.L.93-2020, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) An out of network practitioner who provides health care services at an in network facility to a covered individual may not be reimbursed more for the health care services than allowed according to the rate or amount of compensation established by the covered individual's

network plan as described in subsection (b) unless all of the following conditions are met:

(1) At least five (5) **business** days before the health care ~~services are~~ **service is** scheduled to be provided to the covered individual, the facility or practitioner provides to the covered individual, on a form separate from any other form provided to the covered individual by the facility or practitioner, a statement in conspicuous type **at least as large as 14 point type** that meets the following requirements:

(A) Includes a notice reading substantially as follows: "[Name of facility or practitioner] ~~intends to charge you more for [name or description of health care services] than allowed according to the rate or amount of compensation established by the network plan applying to your coverage.~~ **is an out of network practitioner providing [type of care], with [name of in network facility], which is an in network provider facility within your health carrier's plan.** [Name of facility or practitioner] ~~is not entitled to charge this much for [name or description of health care services]~~ **will not be allowed to bill you the difference between the price charged for the services and the rate your health carrier will reimburse for the services during your care at [name of in network facility]** unless you give your written consent to the charge."

(B) Sets forth the facility's or practitioner's good faith estimate of the ~~amount that the facility or practitioner intends to charge~~ **established fee** for the health care services provided to the covered individual.

(C) Includes a notice reading substantially as follows concerning the good faith estimate set forth under clause (B): "The estimate of our intended charge for [name or description of health care services] set forth in this statement is provided in good faith and is our best estimate of the amount we will charge. If ~~our~~ **the** actual charge for [name or description of health care services] exceeds our estimate **by more than one hundred dollars (\$100) or five percent (5%),** we will explain to you why the charge exceeds the estimate."

(2) The covered individual signs the statement provided under subdivision (1), signifying the covered individual's consent to the charge for the health care services being greater than allowed according to the rate or amount of compensation established by the network plan.

(b) If an out of network practitioner does not meet the requirements of subsection (a), the out of network practitioner shall include on any bill remitted to a covered individual a written statement in ~~14 point~~ **conspicuous** type stating that the covered individual is not responsible for more than the rate or amount of compensation established by the covered individual's network plan plus any required copayment, deductible, or coinsurance.

(c) If a covered individual's network plan remits reimbursement to the covered individual for health care services ~~subject to the reimbursement limitation that did not meet the requirements~~ of subsection (a), the network plan shall provide with the reimbursement a written statement in ~~14 point~~ **conspicuous** type that states that the covered individual is not responsible for more than the rate or amount of compensation established by the covered individual's network plan and that is included in the reimbursement plus any required copayment, deductible, or coinsurance.

(d) If the charge of a facility or practitioner for health care services provided to a covered individual exceeds the estimate provided to the covered individual under subsection (a)(1)(B) **by an amount greater than:**

(1) **one hundred dollars (\$100); or**

(2) **five percent (5%);**

the facility or practitioner shall explain in a writing provided to

the covered individual why the charge exceeds the estimate.

(e) The department shall adopt emergency rules under IC 4-22-2-37.1 to specify the requirements of the notifications set forth in:

(1) subsections (b) and (c); and

(2) ~~IC 25-1-9-23(j) and IC 25-1-9-23(k); IC 25-1-9-23(k) and IC 25-1-9-23(l).~~

SECTION 11. IC 27-1-46-2, AS ADDED BY P.L.93-2020, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. As used in this chapter, "good faith estimate" means a reasonable estimate of the price ~~a each~~ provider anticipates charging for an episode of care for nonemergency health care services that:

(1) is made by a provider under this chapter upon the request of the individual for whom the nonemergency health care service has been ordered; and

(2) is not binding upon the provider.

SECTION 12. IC 27-1-46-8, AS ADDED BY P.L.93-2020, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) As used in this chapter, "practitioner" means:

(1) an individual **who holds:**

(A) **an unlimited license, certificate, or registration;**

(B) **a limited or probationary license, certificate, or registration;**

(C) **a temporary license, certificate, registration, or permit;**

(D) **an intern permit; or**

(E) **a provisional license;**

**issued by the board (as defined in IC 25-0.5-11-1) regulating the profession in question; or**

(2) **an entity duly licensed or legally authorized to provide health care services; that:**

(A) **is owned by, or employs; or**

(B) **performs billing for professional health care services rendered by;**

**an individual described in subdivision (1).**

(b) The term does not include the following:

(1) A dentist licensed under IC 25-14.

(2) An optometrist licensed under IC 25-24.

(3) **A provider facility.**

SECTION 13. IC 27-1-46-11, AS ADDED BY P.L.93-2020, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 11. (a) This section does not:

(1) apply to ~~a~~ **an** individual who is a Medicaid recipient; or

(2) limit the authority of a legal representative of the patient.

(b) An individual for whom a nonemergency health care service has been ordered, scheduled, or referred may request from the provider facility in which the nonemergency health care service will be provided a good faith estimate of the price that will be charged for the nonemergency health care service.

(c) A provider facility that receives a request from an individual under subsection (b) shall, not more than five (5) business days after receiving relevant information from the individual, provide to the individual a good faith estimate of:

(1) the price that the provider facility in which the health care service will be performed will charge for:

(A) the use of the provider facility to care for the individual for the nonemergency health care service;

(B) the services rendered by the **employed or contracted** staff of the provider facility in connection with the nonemergency health care service; and

(C) medication, supplies, equipment, and material items to be provided to or used by the individual while the individual is present in the provider facility in connection with the nonemergency health care service; and

(2) the price charged for the services of all practitioners, support staff, and other persons who provide professional health services:

(A) who may provide services to or for the individual during the individual's presence in the provider facility for the nonemergency health care service; and

(B) for whose services the individual will be charged separately from the charge of the provider facility.

(d) The price that must be included in a good faith estimate under this section includes all services under subsection (c)(1) or (c)(2) for imaging, laboratory services, diagnostic services, therapy, observation services, and other services expected to be provided to the individual for the episode of care.

(e) A provider facility shall ensure that a good faith estimate states that:

(1) an estimate provided under this section is not binding on the provider facility;

(2) the price the provider facility charges the individual may vary from the estimate based on the individual's medical needs; and

(3) the estimate provided under this section is only valid for thirty (30) days.

(f) A provider facility may not charge a patient for information provided under this section.

SECTION 14. IC 27-1-46-15, AS ADDED BY P.L.93-2020, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 15. (a) As used in this section, "waiting room" means a space in a building used by a provider facility in which people check in or register to:

(1) be seen by practitioners; or

(2) meet with members of the staff of the provider facility.

(b) A provider facility shall ensure that each waiting room of the provider facility includes at least one (1) printed notice that:

(1) is designed, lettered, and positioned within the waiting room so as to be conspicuous to and readable by any individual with normal vision who visits the waiting room; and

(2) states the following, or words to the same effect: "A patient may ask for an estimate of the amount the patient will be charged for a nonemergency medical service provided in this facility. The law requires that an estimate be provided within 5 business days."

(c) If a provider facility maintains an Internet web site, the provider facility shall ensure that the Internet web site includes at least one (1) printed notice that:

(1) is designed, lettered, and featured on the Internet web site so as to be conspicuous to and readable by any individual with normal vision who visits the Internet web site; and

(2) states

(a) Each provider must make diligent attempts to ensure that the patient is aware of the patient's right to request a good faith estimate under this chapter. The communication by a provider to the patient concerning the right to a good faith estimate must be conspicuous and must be provided by at least three (3) of the following means:

(1) Notice on the provider's Internet web site.

(2) On hold messaging.

(3) Waiting room notification.

(4) Preappointment reminders, including through electronic mail (email) or text messaging.

(5) During appointment or services check in.

(6) During appointment or services check out.

(7) During patient financial services or billing department inquiries.

(8) Through an electronic medical and patient communication portal.

(b) The communication required under subsection (a) must state the following, or words to the same effect: "A patient may ask for an estimate of the amount the patient will be

charged for a nonemergency medical service provided in our facility. The law requires that an estimate be provided within 5 business days."

SECTION 15. IC 27-1-46-16, AS ADDED BY P.L.93-2020, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 16. If:

(1) a provider facility receives a request for a good faith estimate under this chapter; and

(2) the patient is eligible for Medicare coverage;

the provider facility shall provide a good faith estimate to the patient within five (5) business days based on available Medicare **cost sharing** rates.

SECTION 16. IC 27-1-46-17, AS ADDED BY P.L.93-2020, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 17. (a) If a provider facility fails or refuses:

(1) to provide a good faith estimate as required by this chapter; or

(2) to provide **notice on the provider facility's Internet web site communication to a patient of information concerning the patient's right to a good faith estimate** as required under **section 15** of this chapter;

the insurance commissioner may, after notice and hearing under IC 4-21.5, impose on the provider facility a civil penalty of not more than one thousand dollars (\$1,000) for each violation.

(b) A civil penalty collected under this section shall be deposited in the department of insurance fund established by IC 27-1-3-28.

SECTION 17. IC 27-2-25-9, AS ADDED BY P.L.93-2020, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) As used in this chapter, "practitioner" means:

(1) an individual who holds:

(A) an unlimited license, certificate, or registration;

(B) a limited or probationary license, certificate, or registration;

(C) a temporary license, certificate, registration, or permit;

(D) an intern permit; or

(E) a provisional license;

issued by the board (as defined in IC 25-0.5-11-1) regulating the profession in question; or

(2) an entity that:

(A) is owned by, or employs; or

(B) performs billing for professional health care services rendered by;

an individual or entity duly licensed or legally authorized to provide health care services: described in subdivision (1).

(b) The term does not include the following:

(1) A dentist licensed under IC 25-14.

(2) An optometrist licensed under IC 25-24.

(3) A provider facility.

(Reference is to HB 1447 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

CARBAUGH, Chair

Report adopted.

## HOUSE BILLS ON SECOND READING

### House Bill 1340

Representative Clere called down House Bill 1340 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1055, 1127, 1387 and 1558 had been referred to the Committee on Ways and Means.

#### **Referrals to Courts and Criminal Code**

The Speaker announced, pursuant to House Rule 127, that House Bill 1398 had been referred to the Committee Courts and Criminal Code.

#### **Reassignments**

The Speaker announced the reassignment of House Bill 1519 from the Committee on Commerce, Small Business and Economic Development to the Committee on Rules and Legislative Procedures.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Andrade be added as coauthor of House Bill 1392.

**ZENT**

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representative Lehman be added as coauthor of House Bill 1405.

**CARBAUGH**

Motion prevailed.

#### **HOUSE MOTION**

Mr. Speaker: I move that Representatives McNamara and V. Smith be added as coauthors of House Bill 1514.

**COOK**

Motion prevailed.

#### **MESSAGE FROM THE SENATE**

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 9 and the same is herewith transmitted to the House for further action.

**JENNIFER L. MERTZ**

Principal Secretary of the Senate

#### **MESSAGE FROM THE SENATE**

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 6, 7, 38, 39, 43, 54, 82, 124, 183, 187, 240, 252, 271, 275, 304, 346 and 356 and the same are herewith transmitted to the House for further action.

**JENNIFER L. MERTZ**

Principal Secretary of the Senate

On the motion of Representative Vermilion, the House adjourned at 4:29 p.m., this eleventh day of February, 2021, until Monday, February 15, 2021, at 2:30 p.m.

**TODD M. HUSTON**

Speaker of the House of Representatives

**M. CAROLINE SPOTTS**

Principal Clerk of the House of Representatives